

Canada Border  
Services Agency

Agence des services  
frontaliers du Canada



**Canada Border Services Agency  
(CBSA)**

## Alternatives to Detention Benefits Realization Plan

**Version-10**  
**December 2017**



**PROTECTION • SERVICE • INTEGRITY**

Canada

## Authority signatures

This Benefits Realization Plan formally supports the design, development and implementation of the **Alternatives to Detention (ATD) Program**. The Plan provides a high-level overview of the overall approach to this project and represents a formal agreement and commitment between the program sponsor and the project team. Any changes to the benefit targets and/or Key Performance Indicators (KPIs) must be reflected in this document and corresponding Appendices and requires agreement of the below signatories.

The undersigned have read the Benefits Realization Plan and certify that it accurately represents their expectations and objectives for the implicated projects. Every effort will be made to meet the commitment the Plan represents.

If there is a significant change in the scope, cost, or schedule, the Plan will be updated to reflect changes to benefits, targets, KPIs and timeframes.

Authorization		
Authorized by:		Date:
<i>Program Sponsor/Benefits Owner</i>	Jennifer Lutfallah Director General Enforcement & Intelligence Programs	
Authorized by:		Date:
<i>Operational Benefits Owner</i>	Andrew LeFrank Director General Enforcement & Intelligence Operations	
Authorized by:		Date:
<i>Project Manager/Project Team</i>	Leah Campbell Manager – Detention Transformation Unit Enforcement & Intelligence Program	

## Table of Contents

<b>1 Project Background and Context.....</b>	<b>4</b>
1.1 Origins of the Project.....	4
1.2 Objectives.....	4
1.3 Alignment with CBSA Priorities.....	4
1.4 Scope of the project.....	5
1.5 Documentation Storage.....	5
<b>2 Benefits Realization Plan.....</b>	<b>6</b>
2.1 Purpose.....	6
2.2 Benefits Roles and Responsibilities.....	6
2.3 Investment Logic Map and Outcomes Map.....	6
2.4 Identifying and Structuring Benefits.....	7
2.5 Benefit Measures and Forecast.....	7
2.5.1 Risks.....	10
2.6 Roles and Responsibilities for Benefit Monitoring, Tracking and Reporting.....	11
2.6.1 Re-investment/Re-deployment and Emergent Opportunities.....	12
<b>Appendix A – Investment Logic Map.....</b>	<b>13</b>
<b>Appendix B – Outcomes Map.....</b>	<b>14</b>
<b>Appendix C – Benefits Profiles.....</b>	<b>15</b>
<b>Appendix D – Benefits Register.....</b>	<b>24</b>

## 1 Project Background and Context

### 1.1 Origins of the Project

The *National Immigration Detention Framework (NIDF)* was developed to address challenges in immigration detention related to infrastructure, policy, operational procedures and detainee health and welfare. The main drivers for the comprehensive review leading to the development of the framework include: the inadequate or failing CBSA immigration holding infrastructure; over-reliance on provincial jails to detain higher risk individuals or all detainees in areas where there are no immigration holding facilities; inconsistent application of national standards for immigration detention in holding facilities; increasing and uncontained costs; and public perception. The Framework focuses on four key pillars, one of which includes the development of an expanded national Alternative to Detention (ATD) program.

### 1.2 Objectives

The National ATD Program has been developed with the following objectives:

- i) To provide the CBSA with a series of risk-based flexible options for managing the detention population
- ii) To promote program integrity and ensure consistent decision making
- iii) To address criticism of the CBSA in relation to the lack of Alternatives to Detention
- iv) To optimize the use of Inland Enforcement resources based on level of risk posed

### 1.3 Alignment with CBSA Priorities

The CBSA's NIDF is part of the CBSA's border modernization system, and aims to introduce transformative initiatives for the efficient and effective management of the detention program into the future. Aligning with the priority to strengthen organizational resilience, the CBSA is looking to:

- develop efficiencies and a new approach to risk;
- implement best practices and consistent service standards nationally; and,
- create efficiencies through the modernization of the infrastructure.

The ATD Program will assist with achieving three general outcomes of the NIDF: national consistency, efficiency through improved risk management, and effective use of release options.



#### 1.4 Scope of the project

The scope of the ATD program is to introduce compliance and release management tools that allow for the management of individuals in the community where:

- it would assist individuals in maintaining compliance until their removal (if required); or
- removal is unlikely due to impediments beyond the control of the detainee.

The ATD Program would focus on Community Case Management Supervision (CCMS) options, utilizing case management principles, and be supported when necessary by Electronic Supervision (ES) tools to help further mitigate any risks posed by release.

#### 1.5 Documentation Storage

The Benefit Realization Plan documents have been saved to Apollo and can be found here:

DRAFT

## 2 Benefits Realization Plan

### 2.1 Purpose

The purpose of this document is to facilitate the realization of benefits for a National ATD Program. It describes how benefits will be managed throughout the business change lifecycle.

### 2.2 Benefits Roles and Responsibilities

The following Benefits Roles and Responsibilities have been identified for the ATD Program:

- Program sponsor / benefit owner is the individual accountable for the identification and realization of benefits for initiatives and maintains visibility until benefits have been fully realized. For the ATD initiative, it is the Director General of Enforcement & Intelligence Programs Branch
- Operational benefit owner is the individual whose knowledge of the business makes them invaluable to identify considerations that are necessary in order to realize benefits. For the ATD initiative, it is the Director General of Enforcement & Intelligence Operations Branch
- Project manager ensures the development of the Benefits Profiles, this Benefits Realization Plan and other deliverables on behalf of the program sponsor and relevant stakeholders from the affected business areas. For the ATD initiative, it is the Manager of the Detention Transformation Unit (within Programs Branch).

### 2.3 Investment Logic Map and Outcomes Map

The ATD Program Investment Logic Map (in Appendix A) and the Outcomes Map (in Appendix B) presents the rationale for the investment. They describe the expected business change, why this change is needed, and why it is needed at this time, along with the specific benefits expected from the project. As can be seen in the Investment Logic Map, some of the key elements and logic flow among the ILM components include:

## 2.4 Identifying and Structuring Benefits

The ATD project identified three benefits to be tracked, monitored and managed throughout the project lifecycle. They include:

## 2.5 Benefit Measures and Forecast

The actual realization of program benefits can span a considerable period of time (often years). Throughout this period, the KPIs associated with individual benefits will be tracked, measured,

managed and realized by the business line. The Benefits Forecast is provided in summary below, including each key performance indicator and the associated baseline and target by year.

The tables on the next three pages present the performance measures and timelines for benefit realization for the ATD Framework.

## 2.51 Risks:

## 2.6 Roles and Responsibilities for Benefit Monitoring, Tracking and Reporting

The Benefits Profile and Benefits Register for the pilot project (Appendix C and D) will be the primary tools for tracking and reporting progress on benefits realization. Responsibilities for benefit monitoring, measurement, and realization are described below.

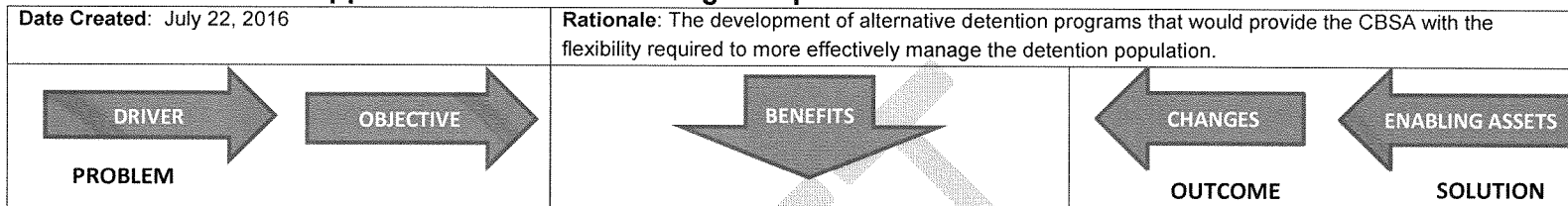
Role	Position	Description of Responsibilities
Benefit readiness	DG, Enforcement & Intelligence, Programs Branch	ATD Project Team - Updates the Benefit Realization Plan to account for changes to project budget, timelines, and scope, in consultation with program sponsor
	Corporate Planning and Reporting Directorate, CAB	CPRD - Provides oversight and advisory services to program sponsors in the form of a Benefit Health Assessment, to PAC and TIPP
Benefit measurement	DG, Enforcement & Intelligence, Programs Branch	ATD Project Team - Will develop, define, scope and time manage the appropriate measurement of all metrics within the benefits plan and profile.
	Corporate Planning and Reporting Directorate, CAB	CPRD Provides oversight and advisory services to ATD project team by assessing the overall performance measurement framework established for ATDs.
Benefit realization	DG, Enforcement & Intelligence, Programs Branch	ATD Project Team - Through the tracking of regularized data elements and analyzing results the project team along with Programs and Operations counterparts, can monitor and track progress towards benefit realization.
	Corporate Planning and Reporting Directorate, CAB	CPRD Provides oversight and advisory services to ATD project team to ensure that the realization of benefits has been met, and most importantly, been articulated in a concise and formal manner.
Benefit reporting	DG, Enforcement & Intelligence, Programs Branch	ATD Project Team - Through an established and agreed upon reporting structure the ATD project team will create formalized, regular reports outlining progress measured against all metrics outlined in this benefits plan. These reports will inform the NIDF Implementation Board, Executive Committee and any additional ad hoc requests.

### 2.6.1 Re-investment/Re-deployment and Emergent Opportunities

Costs associated with operating Immigration Holding Centres (IHCs) across the country are rising, as are provincial per diems charged for CBSA detainees. Implementing an ATD Framework is anticipated to provide a cost effective alternative. This includes:

- Through Voice Reporting, individuals will no longer be required to report in-person which will assist clerical staff in the regions for reallocation to other Agency priorities / programs / activities.
- The number of days in detention will decrease as more detainees qualify for ATDs.

## APPENDICES - Appendix A – Investment Logic Map



## Appendix B – Outcomes Map

DRAFT



Appendix C – Benefits Profiles  
**Benefits Profile:**

---

**Benefits Profile:**



Benefits Profile:

---

## Appendix D – Benefits Register

The Benefits Register serves provide a high level overview of the benefits and to track and manage each of the benefits for which a Benefits Profile was created.

DRAFT



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada



# Alternative to Detention Framework

## Regional Consultations

Fall 2017



PROTECTION • SERVICE • INTEGRITY

Canada



## **ATD Framework Implementation Dates**

The ATD Framework will include a phased implementation:

- VR program launched on April 3, 2018 nationally
- CCMS program launched on April 3, 2018; and
- EM program tentative launch date is April 3, 2018 in GTA only.



## ATD Framework Details

- The ATD framework will extend beyond existing tools (bond/guarantor) to provide officers with access to nationally available community-based ATD programming tools.
- The ATD Framework will pair community supervision programming with electronic supervision tools to provide the CBSA with an increased strategic enforcement capacity.

### Community Programming

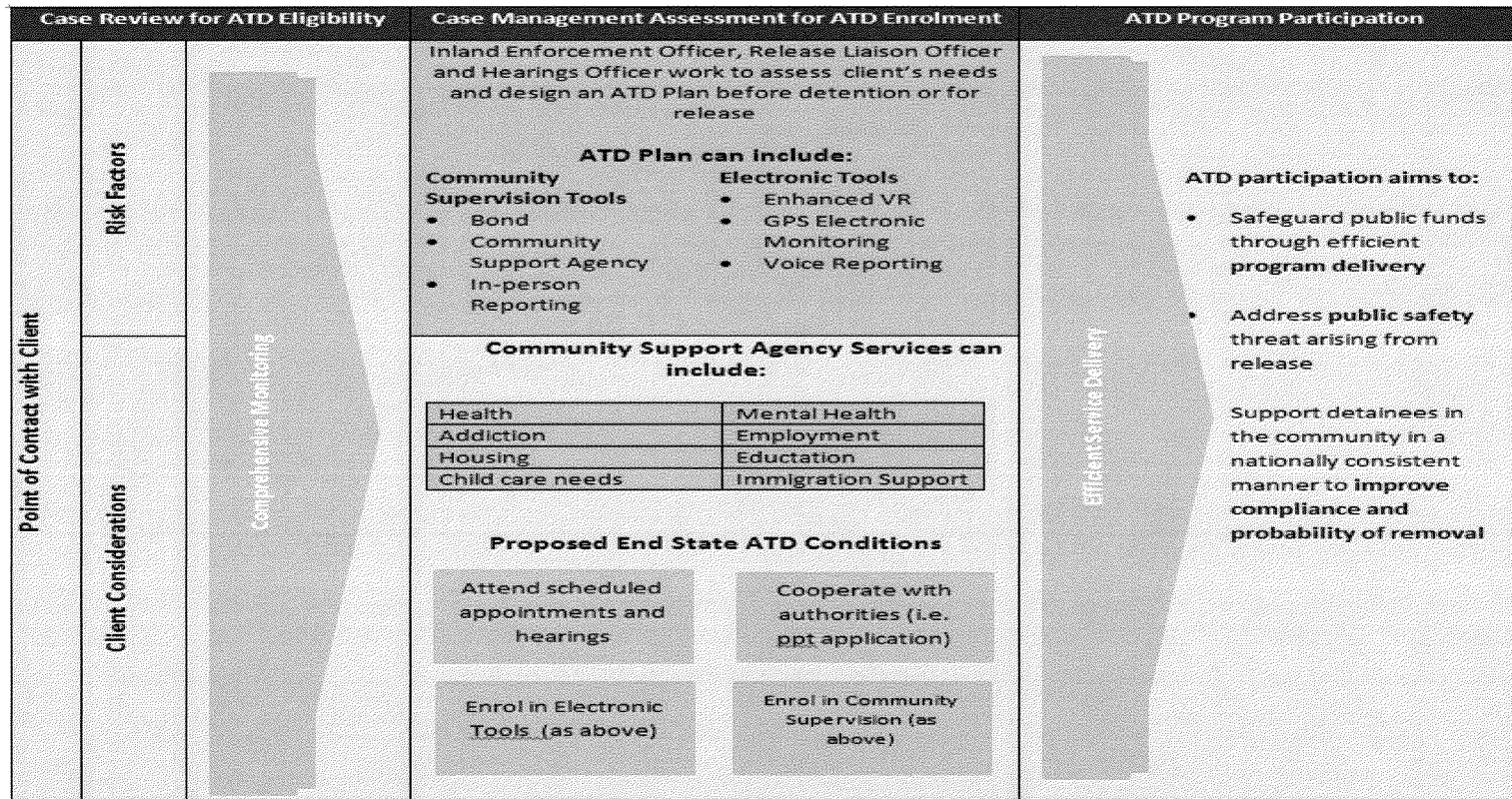
- ATD community programming will allow individuals the ability to reside in the community supported by family/kin, or by a third-party service provider that specializes in community social services.
- The support provided is expected to be tailored to individuals' needs and to be sufficient to ensure compliance with program requirements.

### Electronic Supervision Tools

- 
- ATD Electronic Supervision Tools, including Voice Reporting (VR), VR with location based service; and Electronic Monitoring (EM) in GTA only.
-



# Proposed ATD Framework



- Client considerations: Current conditions, vulnerabilities, length of detention to date, immigration history
- Comprehensive Assessment: Risk based assessment to impose terms and conditions (voice reporting), and/or case management prior to detention (ATD detention avoidance) or release from detention (ATD detention release) .





## ATD CCMS Program

- CCMS is intended to promote detention avoidance or detention release for persons that remain compliant with the CBSA but who may lack a bondsperson, or who require social service support in addition to a bondsperson to mitigate risk upon release into the community.
- Services and programming are to be provided by a contracted partner that is established and experienced in the delivery of community case management to individuals that pose some level of security risk to the public or risk to the integrity of CBSA's immigration enforcement program.
- Services to be provided include:
  - Case management and compliance programming;
  - Health support;
  - Mental health assistance;
  - Addiction & substance abuse counselling and support;
  - Housing and employment;
  - Child-related or family needs; and
  - Mandatory residency.



## CCMS Programming Intervention Levels

- It is assumed that all individuals will report to the service provider as required but the required level of intervention will be determined by the types of support needed by the individual or the familial unit.
- Low Intervention: for individuals requiring in-person reporting to the service provider and one type of care (e.g. once weekly alcohol counselling or support locating stable housing)
- Medium intervention: for individuals requiring in-person reporting to the service provider and various types of care (e.g. once weekly alcohol counselling and/or support locating stable housing and/or prenatal care)
- High intervention: for individuals requiring in-person reporting to the service provider and various types of care while in the community and/or residency in a controlled community housing facility with relevant programming to mitigate risk.

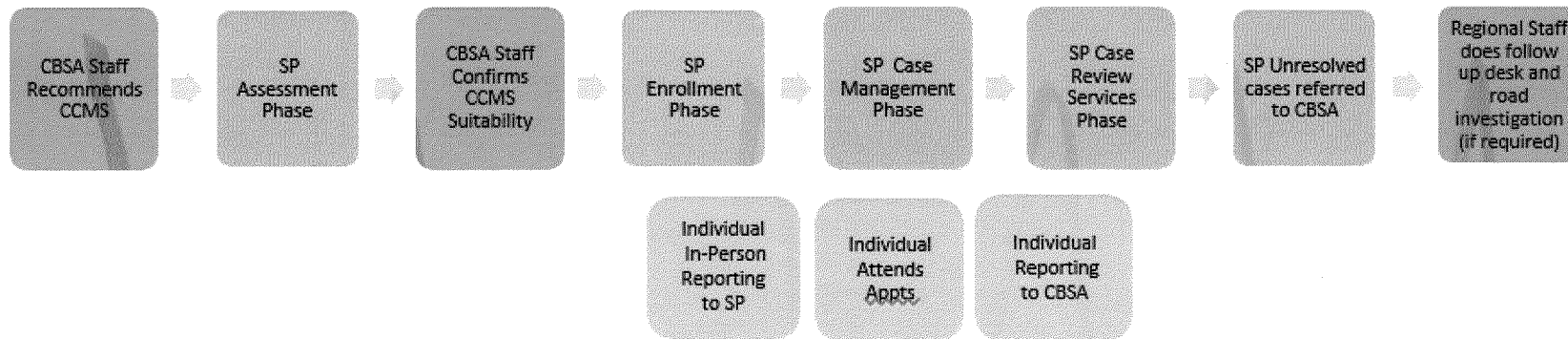


## CCMS Current vs. Future State

Current State	End State
Exists only in GTA region under the Toronto Bail Program for individuals identified to meet certain prescribed criteria as defined by the contracted Service Provider	Expanded to all regions under various contracts with local and/or national contracted Service Providers
Includes supervision and programming for only medium risk individuals, with rare exceptions at the discretion of the contracted Service Provider.	All levels of risk are considered for eligibility, including additional programming for high-risk individuals in the form of mandatory residency and high intervention programming
Approximately 400 individuals enrolled to the TBP on annual basis	Approximately 850-1000 individuals enrolled across Canada, inclusive of the population already in Toronto
A cap for maximum intake into the program exists to limit the type/number of program participation	Will eliminate the cap through defined contracts enabling more individuals to participate in the program if they meet eligibility
No specific priority focus on vulnerable populations including minors, family units, and individuals with mental health issues.	Will ensure that the contracted Service Provider has the capacity to accept vulnerable populations and these populations are prioritized for release if applicable



## Proposed CCMS Business Process



- Assessment Phase: To assess the ability to mitigate risk through CCMS programming. Includes assessment by the Service Provider after CBSA referral. Assessment may take place at CBSA office or facility, at a Provincial or Federal detention facility, or via phone and/or email as determined by the CBSA
- Enrollment Phase: Undertaken to confirm the level of intervention required, to identify the specific type and frequency of CCMS services required for the individual, and to formally confirm cooperation and acceptance by the individual of all program guidelines and rules specific to their case.
- Case Management Phase: Undertaken once the individual is residing in the community. Service Provider is required to maintain a regular dialogue with the individual, monitor their compliance and monitor the appropriateness of services to minimize the risk of an individual absconding or purposely circumventing the conditions of their CCMS Supervision Agreement and release.
- Case Review Services Phase: Undertaken to assess programming needs, includes five sub-phases, each of which may or may not be relevant to an individual's case-compliance review, escalation, de-escalation, withdrawal of supervision, graduation.
- CBSA Investigation and Enforcement: Includes desk and road investigation undertaken by CBSA as required.



## CCMS Programming Costs

Based on industry standards for the acquisition CCMS services the following daily costs are estimated.

### CCMS Low Intervention

- Services Rendered: Basic reporting and one type of care

### CCMS Medium Intervention

- Services Rendered: Basic reporting and multiple types of community support

### CCMS High Intervention

- Services Rendered: Reporting, multiple types of community support and residency

\* costs include programming provided by the service provider and enrolment and enforcement costs incurred by the CBSA.

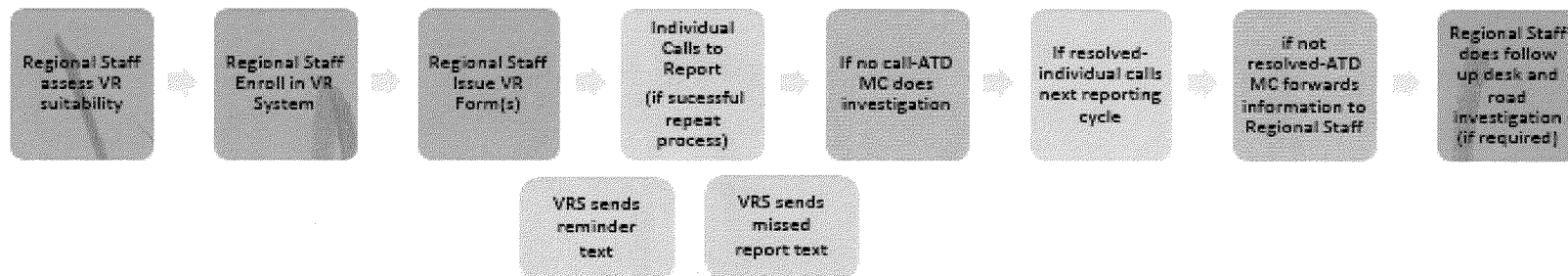


## Voice Reporting Current vs. Future State

Current State	End State
Exists only in GTA Region for low-risk individuals	Expansion to all regions and utilized as a condition of release for medium-high risk individuals will continue to be used as a compliance monitoring tool for low-risk individuals
Available through land-line technology only	Expanded to enable cell phone connectivity while maintaining land-line use for those who do not have a cell phone
Does not track an individual's location but rather identifies the number an individual is calling from and aligns it a known address	Expands to enable geo-location-based intervention, whereby a geographic restriction may be imposed and a geo-location marker will be established when an individual reports
Approximately 3,500 individuals enrolled in GTA only	Approximately 10,000+ individuals enrolled across all regions
Does not provide connectivity to CBSA case management systems and is not connected to a CBSA server or production environment	Will provide connectivity to NCMS, enabling effective monitoring and reporting of individuals on conditions. Maintenance will be ongoing as part of the CBSA ISTB portfolio
Managed exclusively in the GTA without support from a central location	Implementation of a central monitoring function at the WRC, to monitor all individuals on VR and initiate an initial investigation for individuals who failed to report



## Proposed VR Business Process



- **Assessment Phase:** To assess the ability to enrol the individual in VR or VR with location based service (LBS). To enrol the individual must have a cellphone or a landline and will be assessed against the risk offset.
  - Transition Current Cases (GTA only): Individuals currently enrolled in VR will be informed of the ability to use a cell phone when voice reporting and may be called in to re-enrol using the new system.
  - Port of Entry Cases: A BSO may impose VR on eligible individuals at the port of entry, and will provide a DTR to the inland enforcement office for program enrolment. The IEO may assess program applicability.
- **Enrollment Phase:** Enrolment will take place in an inland enforcement office, at an immigration holding centre (IHC), or with a trusted partner as approved by the CBSA (eg RCMP), and requires the use of a telephone in a quiet space. The individual will use a land line or may use their cell phone, as applicable.
- **Reporting:** Individuals are required to report within or by a specific time outlined in the VR Enrolment Form which may include, but is not limited to once monthly, or up to daily reporting. A reminder text will be sent in advance.
- **Monitoring and Initial Compliance Confirmation:** Daily, on regular business days, the ATD MC will review a list of non-compliant VR participants generated by NCMS and undertake a compliance review for each incident.
- **CBSA Investigation and Enforcement:** Includes desk and road investigation undertaken by CBSA as required.



## VR Programming Costs

Based on industry standards for the acquisition VR services the following daily costs are estimated.

### VR

- Services Rendered: telephone reporting with biometric identifier

### VR with Location Based Services

- Services Rendered: telephone reporting with biometric identifier and GPS location server

\* costs include the acquisition of VR and VR with Location Based Services tools, enrolment, and enforcement costs incurred by the CBSA





# Electronic Monitoring Current vs. Future State

## Current State

Exists as an optional release mechanism for the IRB, should counsel and a detainee come forward with a proposal inclusive of a contracted Service Provider.

The detainee must pay for all services under electronic monitoring in a self-payer model which provides a benefit to those who can afford release, and disadvantages those who cannot.

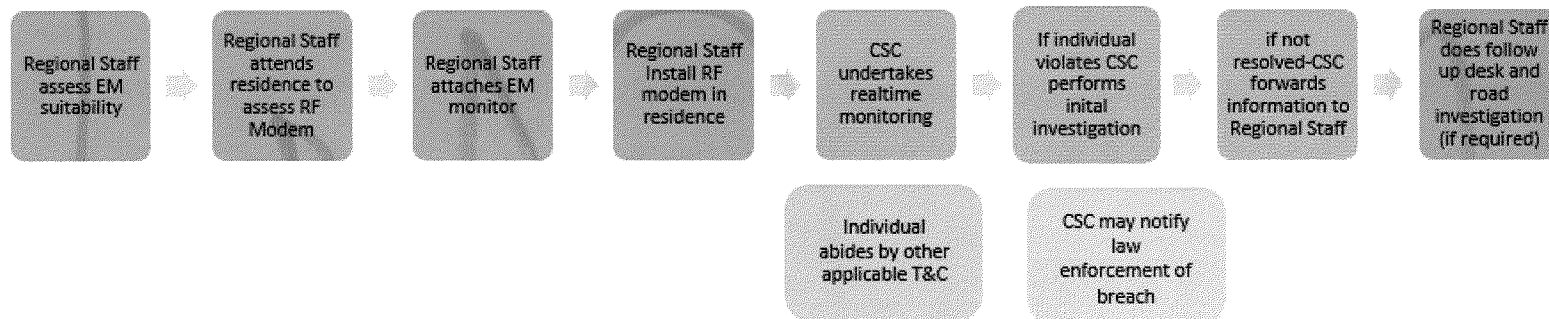
CBSA does not have a formal framework or policy on the use of electronic monitoring and does not have dedicated resources to initiate investigations if required.

## End State

Will continue to remain an optional release mechanism for the IRB as articulated within their Chairperson guidelines.



## Proposed EM Business Process



**Assessment Phase:** The client's suitability will be assessed against the guidelines, and once the individual is deemed suitable, the CBSA will present a release plan, including EM participation to the IRB.

**Enrollment Phase:** Due to the high risk nature of the individual, enrolment on EM programming will take place in a detention centre (IHC, Provincial and/or Federal institution) and requires the installation of the ankle monitor and the radio frequency (RF) modem in the individual's place of residence.

**Reporting:** Ongoing real-time monitoring by the CSC Monitoring Centre (MC) will complement in-person reporting conditions imposed by the IRB and/or CBSA, which may include, but are not limited to attending a location monthly, weekly, or up to multiple times a day.

**Monitoring and Initial Compliance Confirmation:** The CSC MC is staffed with officers to monitor EM participants in real-time. The CSC MC will undertake a compliance confirmation for each tamper alert to determine if the individual is attempting to evade the CBSA or has absconded.

**CBSA Investigation and Enforcement:** Includes desk and road investigation undertaken by CBSA as required.



## EM Programming Costs

Based on industry standards for the acquisition EM services the following daily costs are estimated.

### Electronic Monitoring

- Services Rendered: Ongoing reporting and monitoring
- (including tools, monitoring and enforcement)



# Proposed ATD Staffing Support

**Regional Staff:** IEOs maintain the capacity to enrol, monitor and locate ATD participants in a systematic and effective manner with functions identified in the resource allocation models.

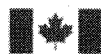
**Community Liaison Officer (CLO):** CLOs in each region will assist staff with ATD assessment and enrolment, provide a link with the service providers, and address program delivery issues with HQ.

**ATD Monitoring Staff:** ATD MC Staff will undertake monitoring and first-stage compliance checks of VR participants, including fraud detection and data integrity.

**National Headquarters Staff:** A team at NHQ will update policy and processes, design training to CBSA staff and service providers, address program delivery issues, and work with ATD partners.

**CSC Staff:** CSC will provide functional guidance to the CBSA on issues related to the design and implementation of an EM pilot in the GTA, including the use of their monitoring centre and tools.

**CCMS Service Provider:** CBSA will contract four service providers including two national and two regional vendors to help the CBSA delivery the CCMS Program to eligible individuals.

Canada Border  
Services Agency

Agence des services  
frontaliers du Canada



# Alternatives to Detention Framework

[illegible]

**PROTECTION • SERVICE • INTEGRITY**

# Canada<sup>1</sup>

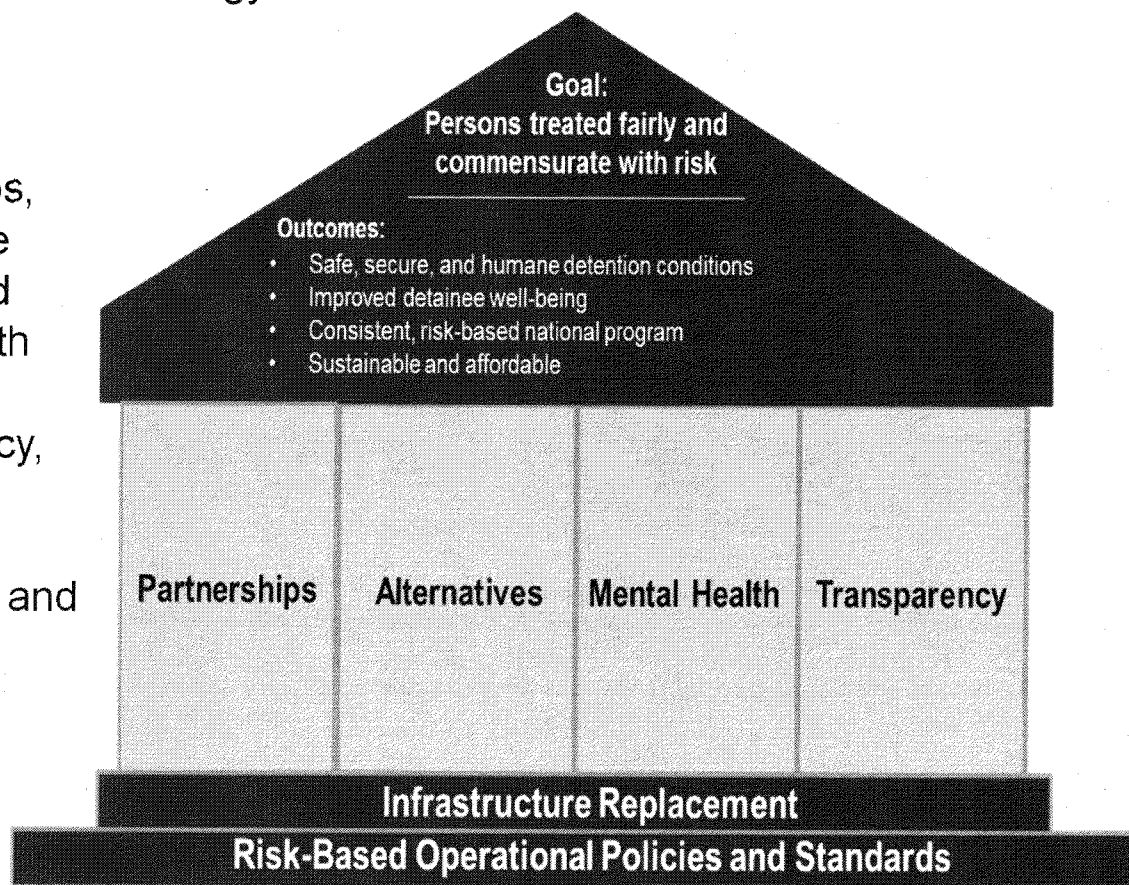
000050



# National Immigration Detention Framework

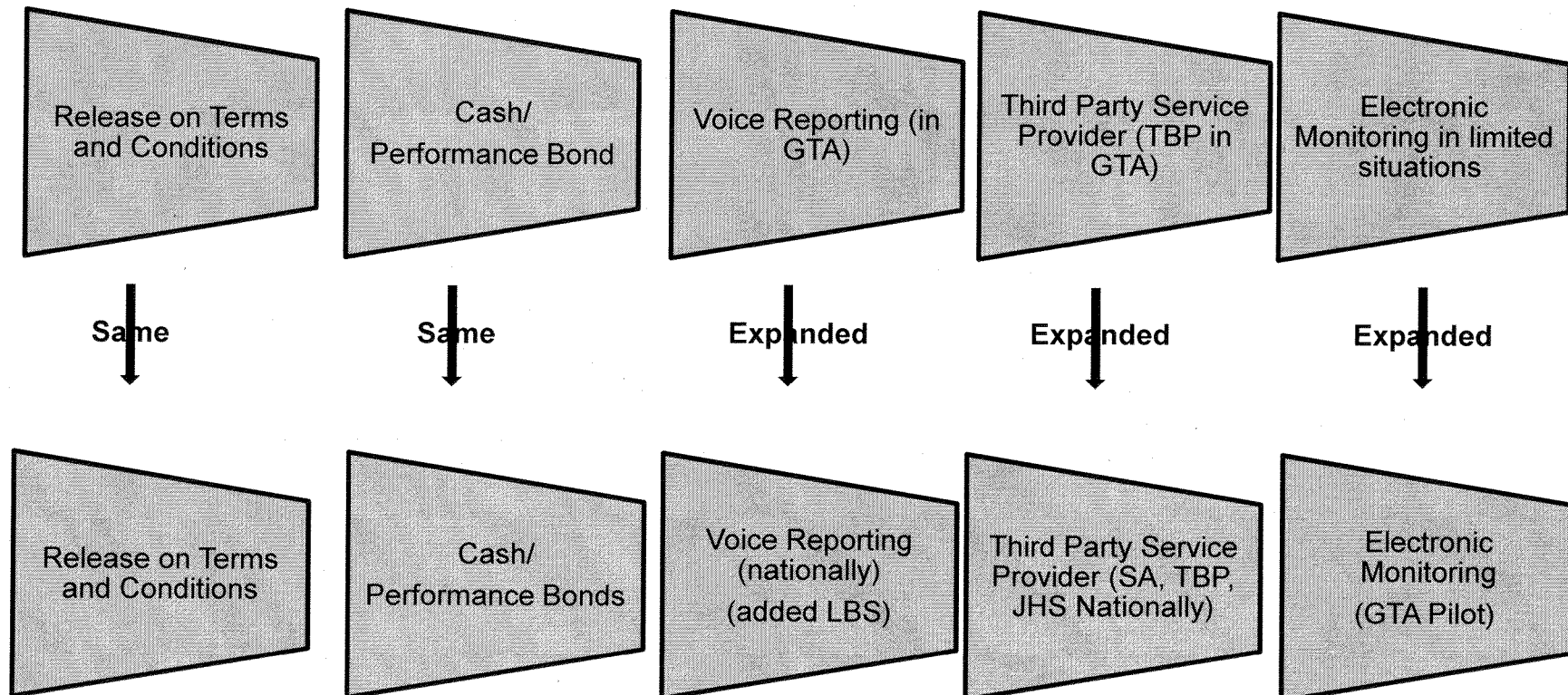
Increasing public interest and stakeholder concerns surrounding detention issues has led to a program review. A national detention strategy has been established which aims to transform delivery by:

- Enhancing external partnerships,
- Addressing needs of vulnerable population including minors and those with medical/mental health issues,
- Increasing program transparency,
- Investment in immigration infrastructure,
- Introducing risk-based policies, and
- ***Expanding Alternatives to Detention (ATD)***





## ATD Framework Overview: Current vs. Future



**Program on track to launch April 3, 2018**



# ATD Programming – Community Release

- ATD community programming facilitates the ability for an individual to reside in the community supported by:

*Bond person (family/kin), or*

*A third-party contracted Service Provider*

- Contracts are being negotiated with third party service providers: Toronto Bail Program, Salvation Army and John Howard Society of Canada.

## Key Elements

National Volumetric	Approximately 850 individuals, inclusive of the population already in Toronto on the TBP
Focus on Vulnerable Populations	Will strive to ensure that vulnerable individuals are prioritized within the framework
Focused Care to Mitigate Risk Indicators	<ul style="list-style-type: none"> <li>• Case management and compliance programming</li> <li>• Access to General health support</li> <li>• Access to Mental health assistance</li> <li>• Access to Addiction &amp; substance abuse counselling &amp; support</li> <li>• Housing and employment support information</li> <li>• Information to facilitate Child-related or family needs</li> <li>• Mandatory residency (for high risk)</li> </ul>





# ATD Programming - Voice Reporting

- As an alternative to in-person reporting, Voice Reporting (VR) allows individuals to report to the CBSA using their biometric voice print to confirm identity and fulfill a reporting condition.
- Less onerous on the individual, allowing for reporting at any point during the 24 hour reporting period. Will facilitate reporting for individuals who reside at a great distance from a CBSA office.
- Location Based Services (LBS) may be added to higher risk cases. In instances where the individual fails to comply as required by the Government of Canada, the geographical location of their last VR report will be acquired.

## Key Elements

National Volumetric	Approximately 10,000+ individuals, inclusive of the population already in Toronto (3,500 cases)
Enrolment	Allows for cell phone, for those in a rural area where cell reception may be limited, landline enrolment may be possible
Location Based Service	The LBS will enable CBSA to collect the location of a reporting event when the individual fulfills their reporting requirement. Additional parameters such as geo-fencing may be added
Program Oversight	A central monitoring function at the CBSA's Warrant Response Centre (Ottawa) will monitor all individuals on VR. This centre will enable effective response to technological issues, or address issues of non-compliance prior to referral to the region.



## ATD Programming - EM

- An Electronic Monitoring pilot in GTA will be introduced for 2 years, after which a more fulsome evaluation will be undertaken.
- The pilot seeks to support the release of higher risk individuals where detention may no longer be warranted, or where removal may not be imminent.
- The CBSA is partnering with Correctional Services Canada to leverage technology and monitoring centres already established

### Key Elements

Pilot Volumetric	Limited to high-risk detention cases who remain cooperative with the CBSA (+/-20-40 cases)
Pilot Model	Monitoring will be conducted by CSC monitoring centre, with the CBSA enrolling individuals, and investigating those who fail to comply as required
Pilot Assessment	Following the two-year pilot the CBSA will assess the efficacy of the EM program, including compliance rates and ability to facilitate compliance throughout the continuum.



## ATD Pyramid of Intervention



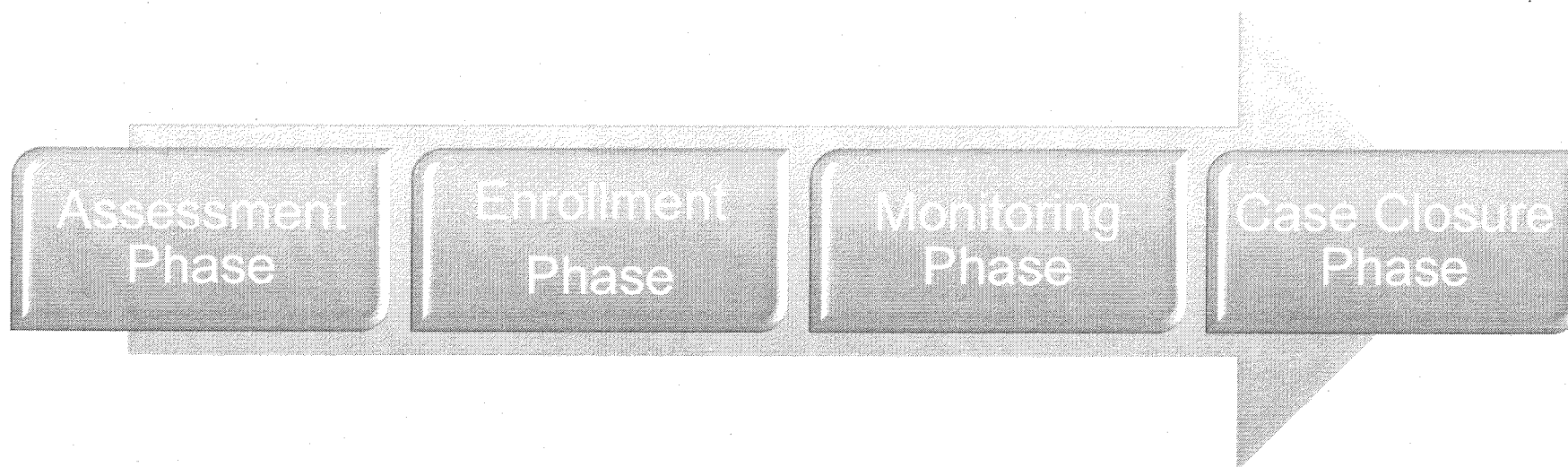
## Infrastructure Replacement

PROTECTION • SERVICE • INTEGRITY



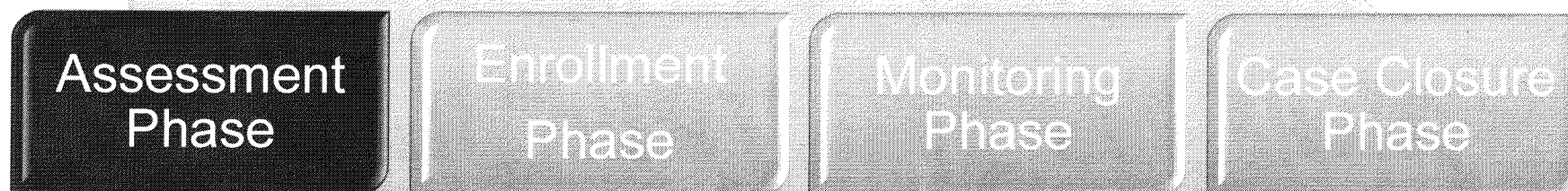
## ATD Business Process

- The ATD Framework is founded upon case management principles.
- The ATD Business Process includes four main phases for all elements of the ATD framework; including CCMS, VR and EM:





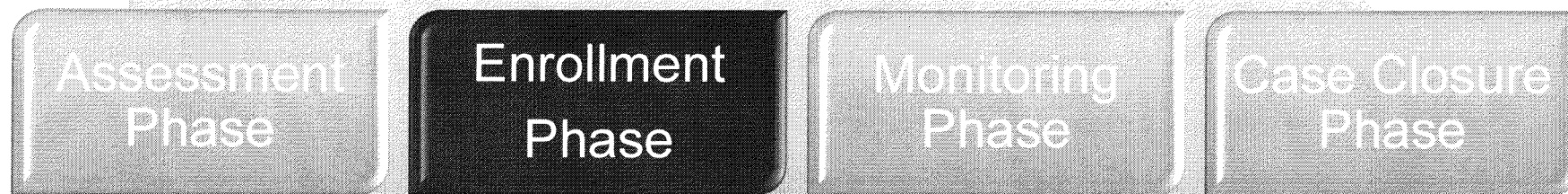
## Assessment Phase



- Eligibility assessment is a function undertaken in order to:
  - Assess the viability of an individual's **willingness to comply** with ATD programming, and
  - Identify the ATD tools that would **sufficiently mitigate risk** and increase the likelihood of success in the community.
- An assessment may help facilitate risk-based **detention avoidance** with particular focus on families or minors, persons with health or mental health issues, and may facilitate **release from detention** of individuals considered suitable.
- The CBSA is establishing a **Community Liaison Officer (CLO)** position to help facilitate release by enabling Officers to have a primary point of contact that can facilitate placement in community if suitable.



## Enrolment Phase

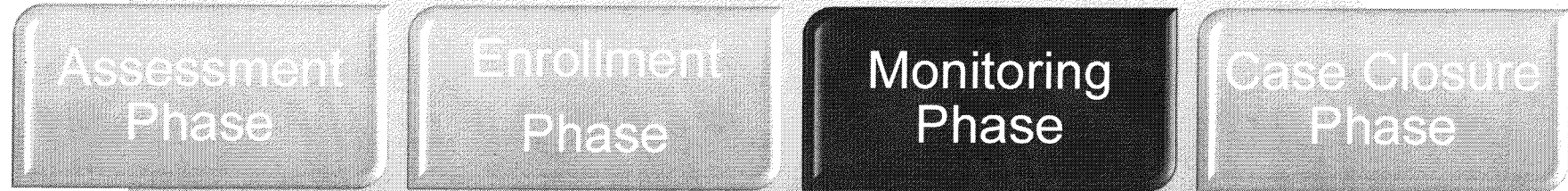


- This phase is the outcome of a decision to release by an officer or the IRB being presented with release options for consideration.
- Enrolment interview is a function undertaken to confirm
  - the level of intervention required,
  - to identify the specific type and frequency of ATD programming, which may include
    - CCMS services required for the individual and/or
    - Electronic supervision.
- This phase requires that individuals sign the terms and conditions of release, which may include a **Supervision Agreement or Enrollment Agreement**.
- The ATD Framework is focused upon **risk mitigation commensurate with level of risk** to ensure individual needs are being met.





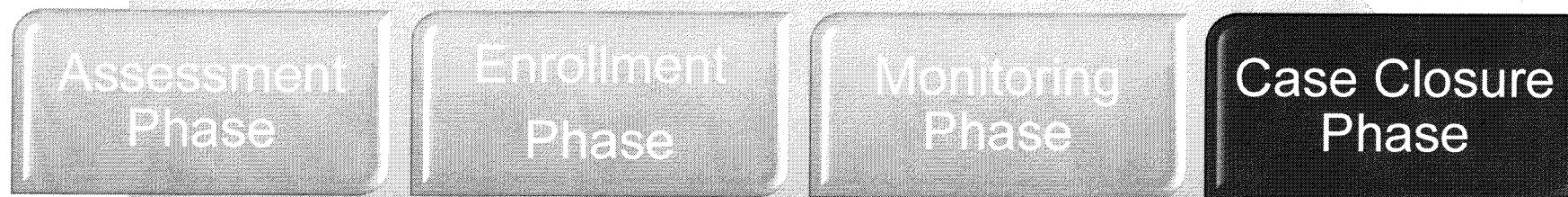
## Monitoring Phase



- Once the individual has been released into the community, the individual will be monitored for compliance based on the terms of their release and the programming they are released to. I.e: CBSA or Service provider monitoring
- This phase involves regular **ongoing interactions** with the CBSA and/or a contracted service provider to ensure that the individual is abiding by the terms of release.
- The CBSA will continue to support ongoing access to **legal aid and legal council** as required by the individual throughout the process.



## Case Closure Phase



- The case closure phase may result in various outcomes for the individual:
  - An individual has shown success with community programming and no longer requires monitoring: *reduced to other terms and conditions as required*
  - An individual's immigration status changes: *remain in Canada*
  - An individual fails to comply: *possible enforcement action by the CBSA*
  - An individual is removed from Canada







## DOCUMENT PURPOSE

The business case is the foundation of every sound investment decision. The business case explains the rationale for the investment and the results that are needed to meet an organization's business needs<sup>1</sup>. A Business Case is prepared to further develop an idea, explores and fully analyzes options, develops recommendations, and seeks funding and approval to initiate an investment. The CBSA Business Case template should be completed in conjunction with the CBSA Business Case Guide. The CBSA Business Case Guide provides detailed information to help clarify the purpose and structure of business cases.

The Investment Sponsor is responsible for the creation of the Business Case and is accountable for the contents of the Business Case. It is the author's responsibility to provide the required amount of detail and to tailor the document based on the risk and complexity of the proposed investment.

The Business Case provides the necessary information for Senior Management to make an informed decision about whether to proceed with the proposed investment. The importance of the Business Case in the decision-making process continues throughout the entire lifecycle of an investment. At each subsequent investment gate and when there is a significant change, the Business Case should be used to review and re-validate the investment.

This CBSA Business Case is aligned to the Treasury Board of Canada Secretariat (TBS) Business Case Guide which is available on the TBS website at: <http://www.tbs-sct.gc.ca/emf-cag/business-rentabilisation/bcg-gar/bcg-gar01-eng.asp>.

---

<sup>1</sup> Report of the Auditor General of Canada to the House of Commons, Chapter 3 - Large Information Technology Investments, November 2006



## REVISION HISTORY

This section shows the revisions to the business case up to the point of approval.

Version number	Date modified	Author(s)	Brief description of change
v. 1	25 Nov 2016	Julia Feesey	Initial draft of Business Case
v. 2	30 Nov 2016	Julia Feesey	Draft Business Case with Director comments
v. 3	7 Dec 2016	Julia Feesey	Suggested changes from Cabinet Affairs re: benefits
v. 4	12 Jan 2017	Julia Feesey	Suggested changes from Associate Vice President
v. 5	15 Feb 2017	Julia Feesey	Suggested changes from Director
V. 6	3 April 2017	Julia Feesey	Suggested changes from Associate Vice President
V. 7	27 June 2017	Julia Feesey	Accepted all track changed
V. 8	20 July 2017	Julia Feesey	Updated costing tables
V. 9	11 Sept 2017	Jo-Anne Lepage	Minor changes from Associate Vice President, Programs Branch and final signature on Sept 1, 2017



## AUTHORITY SIGNATURES

The undersigned has read the business case and agree with the investment as described in this document, and that the recommended option describe in Section 4 is to be brought forward to the Finance and Investment Management Committee for a Gate 3 Investment Approval.

Authorization		
Authorized by:		Date:
<i>Investment Sponsor and Project Lead</i>	<hr/> Peter Hill Associate Vice-president Programs Branch Canada Border Services Agency	



## TABLE OF CONTENTS

<b>1</b>		
<b>Document Purpose .....</b>		<b>i</b>
<b>Revision History .....</b>		<b>ii</b>
<b>Authority Signatures .....</b>		<b>iii</b>
<b>List of Tables .....</b>		<b>v</b>
<b>Executive Summary .....</b>		<b>6</b>
<b>1 Phase 1  Strategic Context .....</b>		<b>7</b>
<b>1.1 Business Needs, Desired Outcomes and Benefits .....</b>		<b>7</b>
<b>1.2 Strategic Environment .....</b>		<b>7</b>
1.2.1 Overview of the CBSA Strategic Environment.....		7
1.2.2 Drivers for Change.....		8
1.2.3 Problem or Issue Statement.....		8
1.2.4 Alternatives to Detention Framework Current State vs Future State .....		13
1.2.5 Business Benefits .....		16
<b>1.3 Strategic Fit.....</b>		<b>17</b>
<b>1.4 Detailed Description of the Business Need.....</b>		<b>17</b>
1.4.1 Business Need.....		17
1.4.2 Program Assessments.....		18
<b>1.5 Funding Source .....</b>		<b>20</b>
<b>1.6 Scope.....</b>		<b>20</b>
1.6.1 ATD Framework Elements.....		22
1.6.2 ATD Staffing Support.....		24
1.6.3 ATD Eligibility Criteria .....		25
1.6.4 ATD Proposed Volumetric.....		26
1.6.5 Boundaries .....		26
1.6.6 Stakeholders.....		27
<b>2 Phase 2   Analysis and Recommendation .....</b>		<b>29</b>
<b>2.1 Preliminary Options Analysis .....</b>		<b>29</b>
2.1.1 Evaluation Criteria .....		29
2.1.2 Options Analysis .....		30
<b>2.2 Viable Options .....</b>		<b>36</b>
2.2.1 Alignment.....		36
2.2.2 Strategic Alignment.....		37
2.2.3 Alignment with Desired Business Outcomes.....		37
2.2.4 Costs .....		38
2.2.5 Cost-Benefit Analysis.....		41
2.2.6 Contracting and Procurement .....		44
2.2.7 Schedule and Approach.....		44
2.2.8 Impact.....		46



2.2.9	Capacity.....	46
2.2.10	Risk .....	47
2.2.11	Policy and Standards Considerations .....	51
2.2.12	Advantages and Disadvantages.....	52
<b>2.3</b>	<b>Justification and Recommendation .....</b>	<b>53</b>
2.3.1	The Preferred Option .....	53
<b>3</b>	<b>Phase 3   Management and Capacity .....</b>	<b>55</b>
<b>3.1</b>	<b>Managing the Investment.....</b>	<b>55</b>
3.1.1	Governance and Oversight .....	55
3.1.2	Investment Management Strategy .....	55
3.1.3	Investment Review Strategy .....	56
3.1.4	Benefits Management Strategy .....	56
3.1.5	Performance measurement strategy .....	57
3.1.6	Risk management strategy .....	57
3.1.7	Change management strategy .....	57

## LIST OF TABLES

Table 1: Current Detention Release Programming .....	9
Table 2: Current Length of Detention .....	9
Table 3: Comparative use of Provincial Detention Facilities .....	10
Table 4: Growth in Detention Program Costs .....	12
Table 5: Growth in Unit Cost Per Detention Day Province vs. IHC .....	12
Table 6 a: Current and End State .....	14
Table 6b: Volumetrics Current and Future State .....	15
Table 7: Project Outcomes.....	16
Table 8: Benefits Statement .....	16
Table 9: Prioritized Requirements .....	18
Table 10: Assumptions.....	19
Table 11: Constraints .....	19
Table 12: Dependencies .....	19
Table 13: ATD Framework Pictorial.....	21
Table 14: Proposed Volumetrics .....	26
Table 15: Stakeholders .....	27
Table 16: Evaluation Criteria .....	29
Table 17: Alignment .....	36
Table 18: Business Outcomes .....	37
Table 19: Cost Benefit Analysis .....	41
Table 20: Schedule and Approach .....	44
Table 21: Impact .....	46
Table 22: Risk.....	47
Table 23: Advantages and Disadvantages .....	52



## EXECUTIVE SUMMARY

On August 15, 2016, the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, announced Canada's new National Immigration Detention Framework (NIDF). The CBSA was charged with implementing the NIDF, which aims to ensure that individuals are treated with dignity and respect and in a consistent manner across the country, ensuring that any detention or release decision is made commensurate with an individual's risk profile.

The Alternatives to Detention (ATD) Framework represents a key pillar of the NIDF that supports the overall goal through a sustainable, affordable, nationally consistent and risk-based framework that supports detainee well-being. Through the implementation of various initiatives, the CBSA will provide officers with an expanded set of tools and programs that will enable them to more effectively manage their client base while achieving balanced enforcement outcome. For the purposes of this document an ATD refers to any condition that may be imposed on an individual, assessed by an officer as posing a risk, to avoid detention or favor detention release in a manner that provides the individual with community support, while providing the CBSA with tools to support the removal process, through an expanded capacity to monitor, locate and apprehend individuals that may fail to comply as directed.

While immigration detention continues to be a necessary tool to manage immigration enforcement, recent deaths in custody, intense media attention and increasing stakeholder and public concern regarding the CBSA's detention program are eroding public confidence in the Agency's ability to properly manage immigration detainees in accordance with international and domestic standards for human rights. The United Nations High Commission for Refugees has put forth, on a priority basis, recommendations under its Global Detention Strategy, for a robust Alternative to Detention program within Canada, and continues to monitor CBSA's progress on addressing the strategy. This Business Case seeks approval to proceed with program design and development activities related to programming under the ATD Framework. More specifically, three (3) options have been presented that meet or exceed commitments undertaken by the Government of Canada. The proposed options and associated costing are provided below.

Option Description*	Cost	Cost Avoidance



## **1 Phase 1 | Strategic Context**

### **1.1 Business Needs, Desired Outcomes and Benefits**

### **1.2 Strategic Environment**

#### **1.2.1 Overview of the CBSA Strategic Environment**

The CBSA is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including plants and animals, which meet all requirements under the framework legislation. Within the immigration context, the Agency is accountable for immigration enforcement, intelligence and interdiction business functions and operational delivery of the immigration program at Canadian Ports of Entry (POEs) and within Canada (inland).

Within the Report on Plans and Priorities, it is noted that the CBSA's Strategic Outcome for 2016-2017 is: international trade and travel is facilitated across Canada's border and Canada's population is protected from border-related risks. The following four priorities were identified in order to enable the Agency to achieve its strategic outcome:

- Secure the border strategically;
- Streamline and simplify the border experience;
- Advance global border management; and
- Strengthen organizational resilience.

The CBSA has sole authority to impose conditions under section 44(3) and to detain persons under section 55 of the *Immigration and Refugee Protection Act* (IRPA). As such, it is responsible for ensuring compliance with





conditions and the care and control of immigration detainees once released. The CBSA's application of its detention and release authorities is risk-based and supports a measured use of detention.

A new *National Immigration Detention Framework* (NIDF) was developed to address challenges in immigration detention related to infrastructure, policy, operational procedures and detainee health and welfare. Building on infrastructure investments and risk-based policies and standards, the Framework focuses action along the lines of four key pillars: partnerships (stakeholder engagement); expanded national Alternatives to Detention (ATD); improved management of mental health issues and medical services within Immigration Holding Centres (IHCs); and greater transparency and accountability.

Expanding Canada's ATD Framework will support the CBSA's organizational priority to assist with immigration enforcement activities through the design and implementation of a risk-based framework aimed at avoiding or reducing length of detention for eligible foreign nationals. The ATD toolset will serve to achieve the overall goal of ensuring all persons are treated fairly and commensurate with risk through a sustainable, affordable, nationally consistent, and risk-based framework that supports detainee well-being.

Within the CBSA context, an ATD is defined as any condition that may be imposed on an individual, assessed by an officer as posing a risk, to avoid detention or favour detention release in a manner that provides the individual with community support, while providing the CBSA with tools to support the removal process through an expanded capacity to monitor, locate and apprehend any individuals who fail to comply as directed.

### 1.2.2 Drivers for Change

Specific drivers are prompting the CBSA's examination of current release provisions with a view to changing the detention program to better suit the needs of the CBSA and clients, specifically:

- Lack of ATD tools available in all regions, to all clients.
- Recent and current litigation cases that highlight the inadequacy of current ATD options for long term, higher risk detention cases.
- An ongoing reliance by the CBSA on provincial detention facilities that can result in co-mingling of immigration detainees with individuals serving criminal sentence.
- Domestic and international obligations and values that impact CBSA program and policy design.
- Increased costs associated with the CBSA's Detention Program that are substantial and rising, including costs at CBSA IHCs and per diems charged by the provinces.
- Advice from Non-Government Organizations (NGOs) to the CBSA to improve its detention framework by exploring new, and expanding existing community release models.
- IRB decision to release high risk individuals on self-payer Electronic Monitoring.

### 1.2.3 Problem or Issue Statement

While immigration detention continues to be a necessary tool to manage immigration enforcement, recent deaths in custody, intense media attention and increasing stakeholder and public concern regarding the CBSA's detention program are eroding public confidence in the Agency's ability to properly manage immigration detainees in accordance with international and domestic standards for human rights.



### 1.2.3.1 Current ATD Programming

At present, the only nationally available tools within the current ATD framework are release to a bondsperson on a performance bond and/or a cash deposit, and the imposition of other conditions, such as regular reporting to the CBSA. Within the Greater Toronto Area (GTA) Region a contracted third party (i.e., Toronto Bail Program) facilitates the release of eligible detainees through enrolment in community monitoring to mitigate risk. Further, the Voice Reporting (VR) program provides eligible individuals with an alternative to in-person reporting in a more flexible and effective manner. Lack of national consistency favours detainees in certain regions over those in regions lacking current release programming.

Table 1: Current Detention Release Programming

	Bond Release	Community Release	Electronic Monitoring	Voice Reporting
Annual Average (2014-2015)	2,000	400	4 individuals	5,000
Region	All Regions	GTA Region	GTA (3), Prairie (1)	GTA Region

### 1.2.3.2 Current Length of Detention

It should also be noted that as the number of detainees has decreased slightly over the 10 year period, the average length of detention has been increasing over this period. The average length of detention is primarily driven by:

- Lack of cooperation by the individual to assist the CBSA in facilitating removal,
- The grounds for detention as per IRPR 245-246 (e.g. danger to the public, unlikely to appear, or identity),
- Lack of cooperation on the part of the home country to issue travel documents,
- Delay by other government departments to process applications that could facilitate removal and/or release, and
- A greater variance in the availability and application of ATDs.

As such, the CBSA is managing high risk long-term detention cases with low prospect of removal. Many of these cases have led to *habeas corpus* applications at provincial and federal courts.

Table 2: Current Length of Detention

Fiscal Year	# of entries by foreign nationals to Canada	# of persons detained	Detainees as a % of entries by foreign nationals to Canada	Average length of detention (days)	Detained in a Provincial facility
2015-2016	31,940,610	6,596	0.02%	23.1	66%
2014-2015	29,938,646	6,768	0.02%	24.5	66%
2013-2014	28,371,259	7,722	0.03%	23	69%



2012-2013	27,412,327	8,739	0.03%	20	70%
2011-2012	26,303,506	9,043	0.03%	19	71%

### 1.2.3.3 Detention Across Canada

The presence of an IHC and related limitations has an impact on daily detention decisions. Given the lack of a dedicated IHC in the Prairie Region, Northern Ontario Region, Southern Ontario Region and Atlantic Region, require individuals held in CBSA custody to be detained at a provincial correctional facility, which puts tremendous pressure on limited Agency resources as well as augments the CBSA's reliance on external partners to fulfill its detention mandate.

As there are only three IHCs – Laval, Toronto and Vancouver, other regions must determine if an individual needs to be detained in a provincial jail. As a result, regions without an IHC will greatly benefit from an expansion of ATD tools to their region.

The issues within each region are complex and varied.

Consequently, that region is forced to manage higher risk cases within the Laval IHC. Further, the facility is past its lifecycle and is in dire need of replacement.

In the Vancouver IHC, serious health and quality of life deficiencies require that detainees are moved out of that 24-bed facility after 48 hours. These realities push a large number of individuals requiring detention to provincial jails, regardless of their assessed risk level.

Additionally, contractual security requirements at the Toronto IHC currently allow only low risk individuals (i.e. individuals with no history of criminality) to be housed at the IHC with all others sent to provincial jails.

Finally, current CBSA practices do not permit the transfer of detainees from one region to another, such as a person detained at the Ottawa Carleton Detention Centre to the Laval IHC. As one of the objectives of the NIDF is to reduce reliance on provincial jails, a review of that practice and associated policies has been undertaken.

### 1.2.3.4 Current Use of Provincial Detention Facilities

At present, the CBSA relies heavily on provincial correctional partners to house immigration detainees. In 2015-16 almost two-thirds of the overall of detention days were spent in provincial correctional facilities across Canada.

Table 3: Comparative use of Provincial Detention Facilities

Summary of Detention Days over Last 10 Years				
	FY 2005-06	FY 2014-15	FY 2015-16	Change 2014/15 to 2015/16
Total number of detention days	170,759	181,757	165,884*	-8.7%



Total number of detention days in provincial jails	102,363	118,934	104,411	-12.2%
% of total detention days in provincial jails	60%	65%	63%	

\*This includes days spent in all facilities used by the CBSA (IHCs, provincial, federal and municipal facilities)

### 1.2.3.5 Current Factors Impacting Use of Detention

Because there are so many factors beyond CBSA's control (e.g. fluid international security conditions), the Agency cannot forecast with a high degree of confidence the extent to which enforcement action, and in particular detention, will be required.

The volume of immigration enforcement activities is subject to a number of key drivers including migratory patterns, international security environment, legislative and policy changes, and changes in visa policy and exemptions. The most influential drivers are:

Factors that could increase detention:

- Visa lift
- Increase to immigration levels; and
- Regional security conflicts and deteriorating economic conditions that cause an unstable environment which impacts irregular migration trends.

Factors that could drive the use of detention downwards:

- Shift in the Agency's risk-management approach;
- Greater use in ATDs;
- Risk mitigation and pre-boarding screening to reduce the number of inadmissible persons entering Canada
- Re-admission agreements to reduce the length of detention for persons that are from recalcitrant countries;
- Changes in policy in Canada and internationally (US), including a prohibition on length of detention.

### 1.2.3.6 Span of Control

The role played by various actors in the release continuum will have an impact on the Agency's ability to implement a successful ATD program, and the extent to which ATD tools can be used extends beyond the capacity of the CBSA.

As prescribed by legislation, detention is a last resort and Officers have a legislated obligation to consider ATDs prior to detention, and within the first 48 hours of detention. Thereafter, the Immigration and Refugee Board (IRB) can maintain detention or can impose conditions on an individual and release them from detention even in situations where the CBSA recommends continued detention, or encourages release.

### 1.2.3.7 Detention Costs

Detention program costs have risen 16.6% from 2009-10 to 2014-15, while the total number of detainees in Immigration Holding Centres and provincial jails has decreased by 21%.

Over 86% of the total increase (\$6.9M of the total increase of \$8M) is associated with the cost of detentions in provincial facilities. The CBSA has been forced to fund these cost increases internally by reallocating funds from other activities, thereby creating pressures in other programs.



Table 4: Growth in Detention Program Costs

Detention Program Cost Growth				
	FY 2009-10	FY 2014-15	Change	
Total Detention Program Costs (\$M)	48.3	56.3	8.0	16.6%
includes:				
Immigration Holding Centre Costs	24.1	24.9	0.8	3.3%
Provincial Detention Costs	23.2	30.1	6.9	29.7%
Other (e.g. Toronto bail program)	1.0	1.3	0.3	30.0%

\*detention costs for 2015-current are being researched and assessed and is unavailable for analysis at this time

The increase in provincial costs is the result of rising per diem rates charged by the provinces, with the CBSA having no influence in price fluctuations. Provinces have already indicated that the per diem rates per detention day will increase further in the coming years, leaving the CBSA with essentially no influence to mitigate or contain provincial costs.

Table 5: Growth in Unit Cost Per Detention Day Province vs. IHC

Unit Costs Per Detention Day Growth			
	FY 2009-10	FY 2014-15	Change
National Average for Provincial Detention	\$195	\$253	30.1%
National Average for IHCs	\$403	\$409	1.3%
Laval	\$424	\$598	41.0%
GTA	\$290	\$285	-1.7%
Vancouver	\$751	\$1,102	46.7%

\*Unit cost per detention day for 2015-current are being researched and assessed and are unavailable for analysis at this time

### 1.2.3.8 Stakeholder Criticism

The detention program, as currently operated, has been criticized by the media and a number of national and international stakeholders, including the Canadian Red Cross (CRC), the Canadian Council for Refugees (CCR), the United Nations High Commissioner for Refugees (UNHCR), the Canadian Bar Association (CBA), academics, and the Coroner. The criticism primarily revolves around co-mingling of immigration detainees with criminals in provincial jails, the care and monitoring of individuals with mental health issues, length of detention, the detention of children and family separation, Canada's non-compliance with International Guidelines, the inadequate conditions at the Vancouver IHC and the lack of available ATDs.

In 2016, the CCR and the UNHCR along with the Global Detention Project all authored reports or documents further articulating their support for the CBSA to expand the suite of release options.

The UNHCR authored the Global Detention Strategy Guidelines which focus most exclusively on detention policy, however, Guideline 4.3 requires that all members, including Canada establish legislation provisions whereby "Alternatives to Detention need to be considered". Current legislation does make the consideration of an ATD mandatory in all cases.



Within the UNHCR the Beyond Detention Strategy (2014-2019), there is reference to three goals, two of which remain the focus of the CBSA's ATD program design:

1. End the Detention of Children
  - a. Legal and policy frameworks ensure that children are not detained.
  - b. Best interests of the child prevail
  - c. Alternative reception/care arrangements (including for families) are available
  - d. and appropriate
  - e. Child sensitive screening and referral procedures are in place in order to refer
  - f. them to relevant child protection institutions or organisations without delay and ensure
  - g. they receive necessary services and assistance
  - h. Immediate release of children from detention
2. Ensure that alternatives to detention are available in law and implemented in practice
  - a. Legal and policy frameworks include alternatives to immigration detention.
  - b. Procedures are in place
  - c. Screening and referral mechanisms exist
  - d. A variety of alternatives to detention are available (e.g. from reporting conditions to community placement).
  - e. Alternatives to detention take into consideration the needs of persons with special needs or vulnerabilities.
3. Ensure that conditions of detention, where detention is necessary and unavoidable, meet international standards

The CBSA takes the position of the UNHCR under advisement and has worked to entwine the Beyond Detention Strategy tenets into the ATD framework. To that end, the CBSA is proposing a comprehensive and robust ATD framework that meets the needs of all eligible individuals through risk-based Community Case Management and Supervision programming. During stakeholder consultations held in Fall 2016, support for an expanded, national ATD framework was overwhelming.

#### **1.2.4 Alternatives to Detention Framework Current State vs Future State**

The current ATD framework is focused on a risk-based assessment undertaken by an officer at the point of arrest or at the point of a detention review before the IRB. Access to specific conditions and programs varies from region to region, with a lack of available and suitable alternatives present in all regions with the exception of the GTA. The expansion of the ATD framework will provide officers with access to nationally available and consistent options and conditions, which are intended to be delivered locally within each region and applied in an uniform manner to clients across the country. The expanded framework will provide individuals, who may currently otherwise be detained, with an opportunity to be released into the community, while providing CBSA with the necessary structure and monitoring control to ensure that the enforcement objectives are still maintained and can be achieved.

An expanded ATD Framework will continue to use existing tools, such as bond/guarantor and the issuance of general terms and conditions, while other options will be introduced or expanded, including Voice Reporting (VR) with location services, Community Case Management & Supervision (CCMS) for high and medium risk, and Electronic Monitoring (pilot only).



The table below provides an overview of the current and future ATD framework components:

Table 6 a: Current and End State

Item	Current State	End State
Bond Release	Guided as per policy in ENF 8, officers may release low-risk individuals to a bond or guarantor, under prescribed conditions	This option will continue to be available
Voice Reporting	Exists only in GTA Region for low-risk individuals subject to an enforceable removal order who are not otherwise subject to conditions	Expansion to all regions and utilized as a condition of release for medium-high risk individuals
	Available through land-line technology only	Expanded to enable cell phone connectivity while maintaining land-line technology for those in low population density areas
	Does not track an individual's location but rather identifies the number an individual is calling from and aligns it to the address on file	Expands to enable geo-location-based intervention, whereby a geographic restriction may be imposed and a geo-location marker will be established when an individual reports to the CBSA
	Approximately 5,000 clients enrolled in GTA only	Approximately 10,000+ clients enrolled across all regions
	Does not provide connectivity to CBSA case management systems and is not connected to a CBSA server or production environment. System malfunctions can lead to significant operational impact	Will provide connectivity to NCMS, enabling effective monitoring and reporting of clients on conditions. Maintenance will be ongoing as part of the CBSA ISTB portfolio (source of funds being sought)
		Implementation of a Central monitoring function at the Warrant Response Centre, which will monitor all clients on VR and initiate an initial desk investigation for instances where an individual has failed to report
Community Case Management & Supervision	Exists only in GTA region under the Toronto Bail Program for individuals identified to meet certain prescribed criteria as defined by the Service Provider	Expanded to all regions under various contracts with local and/or national service providers
	Includes supervision and programming for only medium risk clients, with rare exceptions at the discretion of the service provider.	All levels of risk are considered for eligibility, including additional programming for high-risk individuals in the form of mandatory residency and high intervention programming
	Approximately 400 clients enrolled to the TBP on annual basis	Approximately 850 clients enrolled across Canada, inclusive of the population already in Toronto
	The service provider has identified a cap for maximum intake into the program to limit the type/number of program participation	Will eliminate the cap through defined contracts enabling more individuals to participate in the program if they meet eligibility
	Service provider does not focus on vulnerable populations including minors, family units, and mental health	Will ensure that the service provider has the capacity to accept vulnerable populations



Electronic Monitoring	Exists as an optional release mechanism for the IRB, should counsel and a detainee come forward with a proposal inclusive of a contracted service provider.	Will continue to remain an optional release mechanism for the IRB as articulated within their Chairperson guidelines
	The detainee must pay for all services under electronic monitoring in a self-payer model which provides a benefit to those who can afford release, and disadvantages those who cannot	
	CBSA does not have a formal framework or policy on the use of electronic monitoring and does not have dedicated resources to initiate investigations if required	
Program Management	Ad hoc and incomplete reporting on release conditions	

Table 6b: Volumetric Current and Future State

CCMS Medium Risk						
Region (Province unless otherwise noted)	Total yearly or annual Detention Days (5-Year Average)		Annual Detainee Avoidance	Annual Detainee Days Avoided	Annual Detention Days Avoided	Estimated Future Detention Days
NOR	5,966		12	40	480	5,486
QC (IHC)	17,090		103	17	1751	15,339
PAC	22,198		91	21	1911	20,287
ATL	814		3	37	111	703
SOR	4,168		29	17	493	3,675
PRA	11,828		33	27	891	10,937
GTA (IHC)*	42,461		133	0	0	42,461
GTA (Prov)*	79,909		267	0	0	79,909
<b>Total</b>	<b>184,434</b>		<b>671</b>		<b>5637</b>	<b>178,797</b>

\* Volumes remain constant since no additional detentions days are avoided given the existence of the Toronto Bail Program.

CCMS High Risk						
Region (Province unless otherwise noted)	Total yearly Detention Days (5-Year Average)		Annual Detainee Avoidance	Annual Detainee Days Avoided	Annual Detention Days Avoided	Estimated Future Detention Days
NOR	5,966		1	365	365	5,601
QC (Prov)	7,071		10	365	3650	3,421
PAC	22,198		9	365	3285	18,913
ATL	814		0	365	0	814
SOR	4,168		3	365	1095	3,073
PRA	11,828		3	365	1095	10,733
GTA (Prov)	79,909		40	365	14600	65,309
<b>Total</b>	<b>131,954</b>		<b>66</b>		<b>24090</b>	<b>107,864</b>



## Business Case for ATD Framework



CCMS Total								
Region (Province unless otherwise noted)	Total yearly or annual Detention Days (5-Year Average)		Projected Annual Detainee Release (CCMS Medium)	Projected Annual Detainee Days Avoided (CCMS Medium)	Projected Annual Detainee Release (CCMS High)	Projected Annual Detainee Days Avoided (CCMS High)	Projected Annual Detention Days Avoided	Estimated Future Detention Days
NOR	5,966		12	40	1	365	845	5,121
QC (IHC)	17,090		103	17	0	0	1751	15,339
QC (Prov)	7,071		0	21	10	365	3650	3,421
PAC	22,198		91	37	9	365	6652	15,546
ATL	814		3	17	0	0	51	763
SOR	4,168		29	27	3	365	1878	2,290
PRA	11,828		33	0	3	365	1095	10,733
GTA (IHC)*	42,461		133	0	0	0	0	42,461
GTA(Prov)*	79,909		267	0	40	365	14600	65,309
<b>Total</b>	<b>191,505</b>		<b>671</b>		<b>66</b>		<b>30,522</b>	<b>160,983</b>

## Business Outcomes

The expansion of the ATD framework will improve the integrity and security of the immigration detention program and help facilitate risk-based detention avoidance or release of eligible detainees from detention, in a manner that meets the needs of the detention population. An ongoing risk assessment will be used to determine framework eligibility criteria and level of compliance with program requirements. Specifically, the business outcomes for the CBSA are:

Table 7: Project Outcomes

#	Outcome Name
1	Increased compliance by released individuals (Failure to Comply or absconding)
2	Expanded ability to identify, monitor and track ATD cases (detention avoidance and detention release)
3	Increased consistency in detention and release decision making
4	Reduced use of CBSA's and provincial holding facilities
5	Increased proportion of eligible individuals released on ATD conditions

## 1.2.5 Business Benefits



## 1.3 Strategic Fit

The ATD framework supports the following strategic priorities from the 2016-2017 CBSA Report on Plans and Priorities (RPP):

### Secure the Border Strategically

An expanded ATD framework provides officers with access to tools and conditions that facilitate the tracking, locating and apprehension of individuals who fail to comply and abscond. Further, community case management and supervision programming available to ATD participants is expected to increase compliance and reduce the prevalence of recidivism once released into the community.

### Streamline and Simplify the Border Experience

Through the implementation of the ATD framework it is anticipated that the CBSA will acquire the ability to regularly monitor the location and compliance level of ATD participants, arming CBSA investigation units with the required capacity to more effectively locate, -detain and remove those who fail to comply with ATD release requirements.

### Advance Global Border Management

In keeping with requests from international partners such as the UNHCR and Amnesty International, expansion of the ATD framework will demonstrate Canada's continued commitment to a risk-based approach to increased mobility and community access for its detention population.

### Strengthen Organizational Resilience

The ATD framework will foster compliance in the immigration population, and tools to support released detainees in the community. The ATD framework is built upon a suite of technology-based tools aimed at assisting CBSA officers in the ongoing task of monitoring, locating and apprehending framework participants who fail to comply.

### 2016-17 Agency Priorities

Program 1.5 of the Report on Plans and Priorities identifies Immigration Enforcement as an Agency priority with the key commitment to: Develop and implement a National Immigration Holding Centre Strategy.

### Government of Canada Commitment

On August 15, 2016, Ralph Goodale, Minister of Public Safety and Emergency Preparedness announced an investment of up to \$138 million to transform the immigration detention program in Canada. These incremental funds are meant to deploy a national VR system to increase compliance, a community supervision program to provide tailored risk management for released detainees, as well as improve access to medical services within IHCs. As the Minister publically stated, the objective moving forward is, "to increase the availability of effective alternatives to detention and thus reduce the overall number of cases in which detention is the only technique that can be used to deal with difficult problems of identification, flight risk or danger to the public".

## 1.4 Detailed Description of the Business Need

### 1.4.1 Business Need

The pressures that have impacted the CBSA's detention program over the last several years have highlighted the need for increased national consistency, efficiencies through improved risk management, and sustainable infrastructure.



The ATD framework is intended to provide the CBSA with tools to manage the detention population, as well as a risk-based, full-spectrum approach to detention avoidance and detention release. Programming will be supported by an individual's ties to the community, or the acquisition of third party community support programming to mitigate risk. Community services will be implemented in tandem with electronic supervision tools to provide CBSA officers with the capacity to more effectively monitor, locate and apprehend individuals who fail to comply.

### 1.4.2 Program Assessments

Table 9: Prioritized Requirements

Priority #	Requirements	Core	Desirable	Optional
1	To expand ATD Community Case Management and Supervision services to all regions	Core		
2a	To design and implement a national VR system to increase compliance	Core		
2b	To design and implement an augmented VR with location services to monitor ATD participants			
3	To develop a robust risk assessment tool that enables officers to efficiently assess risk and compliance history in an informed and uniform manner across all regions	Core		
4	To create defined, clear and objective criteria against which an individual is assessed and recommended for an ATD tool	Core		
5	To recommend and assess ATD framework eligibility	Core		
6	To adopt international best practices in ATD framework as appropriate	Core		
7	To design and implement an effective ATD performance management framework	Core		
8	To enter into beneficial and effective contract(s)	Core		



## 1.5 Funding Source

The CBSA received Treasury Board approval to support the implementation of a VR with location services, in the amount of \$400,000 for an initial capital investment and \$60,000 ongoing for maintenance of the VR technology. Additionally, incremental funding to support staffing of key FB01 and FB05 positions at the ATD Monitoring Centre was approved, to support the ongoing monitoring of program participants and the launch of an initial desk investigation. Funds related to the development of the VR technology (end-state), as well as incremental regional resources to undertake investigations and administrative monitoring were not part of the scope of the TB authority and are accounted for in this business case.

In June 2017, The Finance and Investment Management Committee (FIMC) approved funding of \$2.5M for ATD in fiscal year 2017-18. The \$6M gap for future years will be revisited in the fall 2017.

Funding related to the CCMS and the Electronic Monitoring program are entirely meant to be cost recovered through the harvested savings resulting from the release of individuals from detention. This business case will identify the preferred option and the associated cost, with a net reduction of funding sourced through the Treasury Board approval.

## 1.6 Scope

The ATD framework will expand the scope of current CBSA conditions and release mechanisms and develop new tools to close gaps in programming availability and access on a national scale, with priority placed on areas with the highest volume of detainees or potential ATD participants. The ATD framework seeks to expand upon existing release tools tailored to the needs of vulnerable individuals including minors, family units and those with health and/or mental health needs. The ATD framework will include ATD Community Programming coupled with Electronic Supervision tools as defined below.



Table 13: ATD Framework Pictorial

Case Review for ATD Eligibility		Case Management Assessment for ATD Enrolment		ATD Program Outcomes																	
Point of Contact with Client	Risk Factors	Comprehensive Monitoring	<p>Inland Enforcement Officer, Release Liaison Officer and Hearings Officer work to assess client's needs and design an ATD Plan before detention or for release</p> <p>ATD Plan can include:</p> <table><tr><td>Community Supervision Tools</td><td>Electronic Tools</td></tr><tr><td><ul style="list-style-type: none"><li>Bond</li><li>Community Support Agency</li><li>In-person Reporting</li></ul></td><td><ul style="list-style-type: none"><li>Voice Reporting</li><li>VR w/Location Service</li><li>GPS Electronic Monitoring*</li></ul></td></tr></table> <p>*last resort for highest risk individuals</p> <p>Community Support Agency Services can include:</p> <table><tr><td>Health</td><td>Mental Health</td></tr><tr><td>Addiction</td><td>Employment</td></tr><tr><td>Housing</td><td>Education</td></tr><tr><td>Child care needs</td><td>Immigration Support &amp; Legal Referrals</td></tr></table> <p>Proposed End State ATD Conditions</p> <table><tr><td>Attend scheduled appointments and hearings</td><td>Cooperate with authorities (ppt application)</td></tr><tr><td>Enrol in Electronic Tools (as above)</td><td>Enrol in Community Supervision (as above)</td></tr></table>	Community Supervision Tools	Electronic Tools	<ul style="list-style-type: none"><li>Bond</li><li>Community Support Agency</li><li>In-person Reporting</li></ul>	<ul style="list-style-type: none"><li>Voice Reporting</li><li>VR w/Location Service</li><li>GPS Electronic Monitoring*</li></ul>	Health	Mental Health	Addiction	Employment	Housing	Education	Child care needs	Immigration Support & Legal Referrals	Attend scheduled appointments and hearings	Cooperate with authorities (ppt application)	Enrol in Electronic Tools (as above)	Enrol in Community Supervision (as above)	Efficient Service Delivery	<p><b>ATD participation aims to:</b></p> <p>Safeguard public funds through efficient program delivery</p> <p>Address public safety threat arising from release through efficient enforcement</p> <p>Support detainees in the community in a nationally consistent manner to improve compliance and probability of removal</p> <p>Improve Detainee well-being through fair and respectful treatment</p>
	Community Supervision Tools		Electronic Tools																		
<ul style="list-style-type: none"><li>Bond</li><li>Community Support Agency</li><li>In-person Reporting</li></ul>	<ul style="list-style-type: none"><li>Voice Reporting</li><li>VR w/Location Service</li><li>GPS Electronic Monitoring*</li></ul>																				
Health	Mental Health																				
Addiction	Employment																				
Housing	Education																				
Child care needs	Immigration Support & Legal Referrals																				
Attend scheduled appointments and hearings	Cooperate with authorities (ppt application)																				
Enrol in Electronic Tools (as above)	Enrol in Community Supervision (as above)																				
Client Considerations																					



## 1.6.1 ATD Framework Elements

### 1.6.1.1 ATD Community Programming

ATD community programming is intended to allow individuals the ability to reside in the community supported by family/kin, or supported by a third party service provider that specializes in community social services, rather than be detained in either an IHC or in a provincial correctional facility. The support provided is expected to be tailored to individuals' needs and to be sufficient to ensure compliance with program requirements.

#### a. In-person reporting

For those determined to be of lowest risk, and to facilitate the continuous monitoring of foreign nationals in the community, the CBSA and/or the IRB may impose the condition of in-person reporting to the CBSA. This would ensure compliance with all requirements with a view to effecting removal. The provision of in-person reporting is not expected to change under the proposed ATD framework.

#### b. Cash or Performance Bond

Detention avoidance or release to a bondsperson is, and will remain, a key enforcement tool for CBSA officers and the Immigration and Refugee Board (IRB). This tool utilizes an individual's ties to the community to avoid detention or facilitate release. The bondsperson is required to ensure the individual meets imposed conditions, including attending the CBSA as required.

In order to account for the impact that higher public safety and/or program integrity risk detainees may pose to Canada once released, the CBSA would seek to obtain higher cash and/or performance bonds to encourage compliance.

#### c. Community Case Management and Supervision (CCMS)

CCMS is intended to promote detention avoidance or detention release for persons that lack a bondsperson, or who require social service support in addition to a bondsperson to mitigate risk upon release into the community. The CBSA will enter into a contracted partnership with a third party service provider in order to attain services including:

- Reporting requirements,
- Health & mental health support,
- Addiction care,
- Employment & housing support,
- Family & child needs.

In order to meet the needs of CCMS participants, the CBSA and the service provider will determine the level of intervention required to mitigate risk, support residence in the community and encourage removal where possible, and applicable. It is assumed that all individuals will report to the service provider as required but the required level of intervention will be determined by the types of support needed by the individual or the familial unit.

- Low Intervention: for individuals or familial units requiring in-person reporting and one type of care (e.g. once weekly alcohol counselling or support locating stable housing)
- Medium intervention: for individuals or familial units requiring in-person reporting and various types of care (e.g. once weekly alcohol counselling and/or support locating stable housing and/or prenatal care)
- High intervention: for individuals requiring in-person reporting and various types of care plus residency in a controlled community housing facility, e.g. with curfew.





Furthermore, the service provider must be able to address the needs of vulnerable individuals including, but not limited to the following targeted groups, among others, individuals with particular health needs, including pregnant women; mental health needs; unaccompanied minors; the elderly; victims of smuggling and trafficking; and families.

### **1.6.1.2 ATD Electronic Supervision Tools**

The CBSA's ability to monitor, track and locate individuals is critical to the success of the immigration enforcement program. While ATD Community Programming provides in community support for ATD participants, it is proposed that the scope of tools available to CBSA officers to locate and apprehend individuals be expanded through the design and implementation of ATD Electronic Supervision Tools. It is proposed that a central monitoring capacity be established at the CBSA Warrant Response Centre (WRC) to undertake monitoring and initial desk investigations.

#### **a. Voice Reporting with Location Services**

Since 2008, the Toronto Region Voice Reporting (VR) system has used biometric voiceprint technology to monitor and track compliance of eligible individuals through regularly scheduled telephone reporting. The program is currently limited in its applicability to landline phones and does not include any dynamic features such as anti-spoof technology, and anti-fraud services. As articulated and approved by Treasury Board, the expanded program proposed by the CBSA allows for use of cell phones and landlines in remote locations, and allows for dynamic features including on demand calling schedules and real time call in features. Further, VR will include Location Based Service (LBS), which uses ping technology to track an individual's movements using smartphone GPS data. Clients would have to consent to be enrolled under this program. The data is held with the cell phone service provider and delivered, upon request, to the CBSA in instances where an individual fails to comply. The VR system mirrors in-person reporting in that it tracks an individual's compliance; however it also includes the ability to report more conveniently from one's home or workplace. Using LBS data, which is anticipated to include various frequently used recent addresses, CBSA Officers should be more equip to locate and apprehend individuals who have failed to comply or have absconded by using previous reporting history and locations as a basis of investigation.

#### **b. Electronic Monitoring**

While not referenced in the recent Treasury Board Submission, it is proposed that the CBSA examine the possibility of a parallel, but separate Global Positioning Services (GPS) Electronic Monitoring (EM) program, to be piloted in the GTAR.

The proposed pilot EM program is intended to be limited to a portion of selected higher risk clientele who would be monitored through a GPS and/or Radio Frequency (RF) system. The EM monitoring system is built upon real-time location data collected and analysed in a central facility and reported to regional staff to pursue for enforcement as appropriate. CSC has a successful, national EM program and the CBSA is seeking to leverage this program on a pilot basis through a joint partnership. CSC is prepared to manage all hardware and system monitoring associated with the initiative at a low cost to the CBSA, and would undertake all initial investigation activities prior to forwarding alerts to the region. This proposed pilot would be limited to the GTA region, providing real time relevant information about the use and effectiveness of an EM program for select high risk clientele.



By initiating a pilot in one region, CBSA will be armed with quantitative data about the effectiveness of GPS monitoring in an immigration context, align itself with international partners who utilize the technology for immigration purposes, and provide a concrete framework and program parameters for a program that is being used more frequently by the IRB as an acceptable release mechanism. In absence of this pilot, CBSA will be unable to effectively monitor high-risk clientele in community upon their release, ensuring constant and robust tracking to enable enforcement as required,

## **1.6.2 ATD Staffing Support**

### **a. Release Liaison Officer**

The CBSA intends to create and staff Release Liaison Officer(s) (RLO) position(s) in each region to assess the needs of the individuals, assist staff with ATD enrolment decisions, and to provide a link between the CBSA and the service provider. Using a case management approach, the RLO will work with regional staff to determine the most appropriate ATD plan. As a condition of ATD enrolment, the individual will be required to attend regular meetings with the service provider and attend sessions with subcontractors providing community support. The CBSA will undertake enforcement action in instances where a program participant fails to comply or absconds.

### **b. Warrant Response Centre Monitoring Staff**

The CBSA will seek to expand the role of the Warrant Response Centre (WRC) to include monitoring and first-stage investigation of VR (desk investigations). This expanded role is intended to reduce pressure on regional inland enforcement offices, to allow for a more focused emphasis on road investigations.

### **c. Regional Staff**

The CBSA seeks to provide regions with the capacity to enrol, monitor and locate ATD participants in a systematic and effective manner. Hiring of new staff, as identified in this Business Case, is seen as essential to reduce pressure on regional inland enforcement offices that will be impacted by ATD programming.

### **d. CSC Staff**

CSC will provide functional guidance to the CBSA on issues related to the design and implementation of an EM pilot in the GTA. Further, CSC has offered the use of their monitoring centre to the CBSA to provide real-time monitoring and initial desk investigations for CBSA EM participations.

### **e. National Headquarters Staff**

In order to provide functional guidance and address issues and/or policy changes related to current and future state ATD elements, a team at National Headquarters (NHQ) is recommended. Functions include updating policy and enforcement manuals, designing and administering training to regional staff and contracted service





providers, addressing performance management and reporting issues, and working with international and domestic partners to advance the ATD framework.

### 1.6.3 ATD Eligibility Criteria

Eligibility criteria pertaining to ATD Framework elements are not articulated in IRPA, nor in respective Immigration and Refugee Protection Regulations (IRPR). Consequently, and in order to ensure program consistency and improve transparency, the CBSA seeks to create formalized eligibility criteria for all ATD components in policy and articulated in a separate ATD Enforcement Manual.

#### Outcome of NRAD Assessment

The National Risk Assessment for Detention (NRAD) Form is used in all regions to assess an individual's risk level (low, medium or high) as it relates to the need for detention or risk mitigation in the community. The ATD framework requires the effective and consistent use of the NRAD to ensure program delivery, as the NRAD risk assessment will determine if an individual poses little to no risk, medium risk or high risk to Canada and Canadians.

#### Immigration History

Once the NRAD has been used to assess an individual's level or risk, it is proposed that the delegated officer (e.g. arresting) then consider the individual's immigration history and evidence supporting a propensity to comply as required, in order to make a determination on eligibility for an ATD condition. Elements to be considered include:

- Previous occurrences of non-compliance;
- Previous failure to appear for removal or CBSA/IRB proceeding; and
- Previous deportation (Previously Deported Person).

As articulated in Appendix 2: ATD Eligibility Criteria; efforts have been made to identify a risk threshold for each ATD framework element taking into account previous compliance and the prevalence of incidents in an individual's immigration history.

While there is no exact formula to predict an individual's future compliance or behaviour, the eligibility criteria are an attempt to articulate the correlation between an individual's risk to abscond or failure to comply with the CBSA's decision to avoid detention or release from detention.

#### Contributing Factors

In addition to an assessment of risk level and immigration history, there is a need to consider contributing factors that may impact the decision to detain or the decision to release. These may include:

- **Difficulty or inability to acquire a travel document** to facilitate the removal of an individual, which could lead to the individual's detention being deemed long term by the IRB and or Federal Court;
- **Ties to Canada** including employer, family members or kin/friends, which could provide the CBSA with a potential bondsperson to help avoid detention or facilitate release;
- **Period of time since last incident** with the CBSA or the criminal justice system, which could impact the relevance that criminality has on the individual's risk level and/or likelihood of reoffending;
- **Vulnerabilities** (e.g. mental health, health, including pregnancy, addiction, human trafficking) and the impact that detention, or the need for detention avoidance in regard to these vulnerabilities.

Effective eligibility criteria should provide guidance and assistance to CBSA Officers when making ATD-related decisions.



### 1.6.4 ATD Proposed Volumetric

In order to establish a benchmark baseline volumetric assumption for each ATD framework element, the CBSA analysed existing release tools for relevance and assessed existing enforcement inventories to confirm applicability with future state ATD framework design.

In July-November 2016, the CBSA undertook a detention and ATD file review to assess the validity of ATD volumetric assumptions. The file review examined cases in GTA, Pacific, Prairie and Quebec Regions, and the proposed volumetric were substantiated during this file review.

For a detailed analysis of volumetric including all related assumptions please refer to Appendix 4: ATD Framework Volumetric Assumptions. For ease of reference, the table below provides a snapshot of ATD framework elements and proposed volumetric with basic benchmark baseline information:

Table 14: Proposed Volumetric

ATD Framework Element	Proposed Volumetric	Benchmark Baseline
Cash/Performance Bond	enrolment will remain unchanged	While current processes are being independently reviewed, programming will not change with implementation of a national ATD Framework; as such volumetrics should remain stable.
Community Case Mgmt & Supervision Medium Risk Detention Release		
Community Case Mgmt & Supervision Medium Risk Detention Avoidance		
Community Case Mgmt & Supervision High Risk Detention Release		
Voice Reporting		
Enhanced Voice Reporting		
Electronic Monitoring		

### 1.6.5 Boundaries

#### In Scope

- Expansion of Community Case Management and Supervision (CCMS) programming to include eligible medium and limited high risk individuals in order to facilitate detention avoidance and detention release in all regions, which includes the provision of mandatory residency in a controlled community housing facility for high risk individuals;



- Expansion of the Toronto Voice Reporting program to all regions including the acquisition of tools to replace Toronto's aging system and leverage new technologies, extend service to cell phone devices and provide for LBS to monitor and locate individuals who fail to comply with reporting conditions;
  - Funded:
    - a) The TB submission provided one time funding for the acquisition of system hardware to support end state VR with location services solution; this acquisition did not include any internal CBSA integration work that would be required to host the system on CBSA networks, and be certified into production with connectivity to CBSA Case Management systems.
    - b) FTEs at the WRC are included in TB funding allocation to support National VR monitoring of clients enrolled in program.
  
- Introduction of an Electronic Monitoring tool (pilot) to monitor high risk individuals released from detention; and
- Introduction of ATD performance measurement indicators.

### Out of Scope

- Assessment of, and amendments to, the CBSA's legislative and regulatory framework;
- Assessment of, and amendments to, the CBSA's NRAD form (note: to be completed in tandem with the ATD framework but under the authority of the NIDF);
- Assessment of, and amendments to, the Bond Release Framework;
- Assessment of, and amendments to, the in-person reporting program; and
- Assessment of, and amendments to, the Transitional Housing/Reception Centre at Ports of Entry.

### 1.6.6 Stakeholders

Table 15: Stakeholders

Stakeholder	Stakeholder Type	Stakeholder Group	Responsibilities	Contribution
Programs Branch: Enforcement & Intelligence Programs Directorate: Detention Transformation Unit	Internal	Primary	<ul style="list-style-type: none"> <li>• CBSA lead for development and implementation of the project;</li> <li>• Involved in outreach and communications with all internal and external stakeholders;</li> <li>• Support coordination of business requirements and implementation strategy;</li> <li>• Provides support to CBSA Procurement on amendments and development of Contract;</li> </ul>	



Stakeholder	Stakeholder Type	Stakeholder Group	Responsibilities	Contribution
			<ul style="list-style-type: none"> <li>Undertakes Quality Assurance Programming, training and Performance Measurement.</li> </ul>	
Programs Branch: Enforcement & Intelligence Programs Directorate; Detention Policy	Internal	Primary	<ul style="list-style-type: none"> <li>Lead for Detention Policy;</li> <li>Provides subject matter expertise on detention policies, frameworks and business systems'</li> <li>Assist in designing framework elements and developing business requirements.</li> </ul>	
Information, Science and Technology Branch (ISTB): Science & Engineering Directorate & Enterprise Architecture, Information Management & Common Services Directorate	Internal	Secondary	<ul style="list-style-type: none"> <li>Supports Programs Branch with Project Management related to VR;</li> <li>Draft business requirements with support from Programs Branch as business lead;</li> <li>Supports Programs Branch with changes, improvements, new requirements for systems, infrastructure, network capabilities;</li> <li>Deliver Threat Risk Assessment with support from Programs Branch;</li> <li>Deliver construction, testing and implementation of IT solution(s) with support from Programs Branch;</li> <li>Develop and deliver IT – related training materials with support from Programs Branch;</li> <li>Deploy all equipment and site set up, with support from Programs Branch.</li> </ul>	
NHQ Operations Branch (OB): Enforcement & Intelligence Operations Directorate	Internal	Primary	<ul style="list-style-type: none"> <li>Provides subject matter expertise on detention operations as well as immigration enforcement and intelligence operations.</li> </ul>	
Regional Operations Branch (OB): Enforcement & Intelligence Operations Divisions	Internal	Primary	<ul style="list-style-type: none"> <li>Provides subject matter expertise on regional operations</li> <li>Assist in the effective design and implementation of the ATD framework</li> <li>Assist in the effective delivery of an ATD monitoring centre at the WRC</li> <li>Implement the ATD program in regions.</li> </ul>	
Comptrollership Branch (CB): Strategic Procurement & Material Management Division	Internal	Secondary	<ul style="list-style-type: none"> <li>Lead contracting processes and engagement of third party service provider.</li> </ul>	
Comptrollership Branch (CB): Deputy Chief Financial Officer & Resource Management Directorate	Internal	Secondary	<ul style="list-style-type: none"> <li>Assist in costing exercises and managing funds through the project lifecycle.</li> </ul>	
Internal Audit and Framework Evaluation Directorate (direct report to the President):	Internal	Secondary	<ul style="list-style-type: none"> <li>Provides subject matter expertise and guidance on matters related to framework evaluation.</li> </ul>	
Corporate Affairs	Internal	Secondary	<ul style="list-style-type: none"> <li>Provide subject matter expertise and guidance on</li> </ul>	



Stakeholder	Stakeholder Type	Stakeholder Group	Responsibilities	Contribution
Branch (CAB):			matters related to Communications, Reporting and Performance Measurement, Access to Information and Privacy as well as Cabinet, Parliamentary and Regulatory Affairs including MOU development.	
Legal Services:	Internal	Secondary	<ul style="list-style-type: none"> <li>Provide advice and guidance on legislative and regulatory amendments, MOUs, arrangements and Privacy Impact Assessment (PIA).</li> </ul>	
Human Resources Branch (HRB): Training & Development Directorate	Internal	Secondary	<ul style="list-style-type: none"> <li>Works with project lead to modify existing course materials or create new training products for CBSA personnel.</li> </ul>	
Correctional Service Canada (CSC)	External	Secondary	<ul style="list-style-type: none"> <li>Provide best practices for release management that can be used in the immigration context</li> <li>Support development and execution of an EM tool.</li> </ul>	
Office of the Privacy Commissioner (OPC):	External	Secondary	<ul style="list-style-type: none"> <li>Ensures that the project incorporates privacy considerations and receives the Agency's PIA.</li> </ul>	
UNHCR	External	Secondary	<ul style="list-style-type: none"> <li>Global leader in migration management</li> <li>Released an Action Plan in 2015 calling for Canada to establish an ATD framework.</li> </ul>	
Canadian Council for Refugees	External	Secondary	<ul style="list-style-type: none"> <li>Refugee and immigrant advocacy group</li> <li>Lobbied the Prime Minister to deliver an ATD framework.</li> </ul>	
Canadian Red Cross Society	External	Secondary	<ul style="list-style-type: none"> <li>Detainee advocacy group</li> <li>Monitors detention standards and the treatment of detainees in provincial facilities on behalf of the CBSA.</li> </ul>	
Contracted service provider	External	Primary	<ul style="list-style-type: none"> <li>Provide direct management of CBSA clientele referred under Community Case Management &amp; Supervision Program.</li> </ul>	

## 2 Phase 2 | Analysis and Recommendation

### 2.1 Preliminary Options Analysis

#### 2.1.1 Evaluation Criteria

The following criteria were used to measure each option and determine a final recommendation

Table 16: Evaluation Criteria



### 2.1.2 Options Analysis

To deliver the above benefits, the CBSA considered various options to design an expanded ATD framework that is risk-based, national in scope and accountable to participants and stakeholders. To develop comprehensive options for consideration, factors such as current release programming, current and potential detention inventory, regional discrepancies in detention management, and a study of the efficacy of electronic supervision was undertaken.



## 2.2.6 Contracting and Procurement

Contracting and procurement activities related to the implementation of CCMS will be undertaken through a proposed sole source contracting strategy has been developed by Comptrollership Branch, in consultation with Programs Branch, to ensure the outcome of the process provides the desired outcome of a principles-based framework; that provides for national consistency in program delivery. The proposed approach provides for up to four delivery partners across the country which will support the implementation of community partners and relationships for medium and high risk client profiles in all regions. Specifically, pending approval by Public Services and Procurement Canada (PSPC), the Agency seeks to enter into sole source contracts with a vendor to provide medium risk community services in the GTA region; a vendor to provide medium risk community services throughout Ontario, Atlantic Canada, Prairie Region and British Columbia, delivered at a regional and local level; a vendor to deliver medium and high risk community services, including mandatory residency beds in Quebec; and a vendor to deliver high risk community services with mandatory residency beds dedicated to the CBSA throughout all of Canada, with the exception of Quebec. Service providers for the CCMS program will be established by the end of summer 2017 in order to ensure effective transition before program implementation.

Contracting and procurement activities related to the design and implementation of the EM (Pilot) system will be addressed through a bilateral partnership with CSC, in a manner that meets overarching ATD framework objectives. Should the pilot move to a permanent solution, formal contracting processes will be undertaken.

## 2.2.7 Schedule and Approach

The high level schedule for all proposed options would follow the same approach:

Table 20: Schedule and Approach



## ATD Schedule

**Launch Date: April 1 2016**

Key Milestones / Deliverables	Approved Completion Date	Forecasted Completion Date	Variance in months
Identification of a Funding Source	-	June 28 2017	
Governance - Gate 3 Concept Phase	April 19 2017	August 17 2017	4
CCMS Contract Award	June 30 2017	Oct 31 2017	4
Submission of the VR PIA to the OPC & TBS	August 1 2017	Oct 2 2017	2
ATD Framework Design & Eligibility	March 31 2017	Oct 26 2017	7
ATD Business Process Maps	-	Oct 26 2017	-
ATD Project Management Plan	July 1 2017	Nov 8 2017	4
ATD Communication Strategy	-	Nov 14 2017	-
ATD Training Development	Oct 31 2017	Nov 2017	1
Enforcement Manuals	Sep 30 2017	Feb 7 2018	4
Voice Reporting (VR) Phase 1: GTA Executable Prototype	Aug 31 2017	Nov 1 2017	2
Phase 2: Deployment of VR Prototype (All regions)	Dec 30 2018	March 1 2018	2
Delivery of ATD Training	January 2018	March 2018	2
Privacy Impact Assessment	January 2018	March 2018	2
Case & Community Management Supervision Implementation (CCMS)	Jan 30 2018	April 2 2018	2
*Full systems deployment (integration with NCMS)	Dec 2019	Dec 2019	0
<b>Project Completion</b>	<b>January 30, 2018</b>	<b>April 2, 2018</b>	<b>2</b>

*\*Not in current scope of ATD Framework*





## 2.2.8 Impact

Once fully implemented, the ATD framework is expected to impact stakeholders across the Agency, the Government of Canada and individuals within the CBSA's inland enforcement stream.

Table 21: Impact

Stakeholder	Impact
CBSA	<ul style="list-style-type: none"> <li>- Officers will be required to screen individuals arrested and considered for detention against the NRAD and recommend ATD enrolment, where applicable.</li> <li>- Release Liaison Officer will review the recommendation for ATD enrolment against ATD framework elements and assess for framework eligibility.</li> <li>- Release Liaison Officer will work with officers to create a Release Plan for participants</li> <li>- Regional and Warrant Response Centre Officers staff will enrol, monitor, enforce, investigate and report on ATD participation.</li> </ul>
ATD Service Provider	<ul style="list-style-type: none"> <li>- Will provide CCMS on behalf of the CBSA to eligible individuals</li> <li>- Will develop and maintain agreements with subcontractors to provide social services for ATD participants</li> <li>- Will report regularly to CBSA on ATD framework participation</li> </ul>
ATD Clients	<ul style="list-style-type: none"> <li>- Individuals arrested or detainees who are deemed eligible for the ATD framework will be enrolled in CCMS with support from Electronic Supervision tools to mitigate risk and facilitate release.</li> <li>- Participants who fail to comply with ATD requirements may face enforcement action by CBSA officers, including and up to detention.</li> </ul>
ATD Client Advocates and Legal Representatives	<ul style="list-style-type: none"> <li>- Will continue to advocate on behalf of their clients to encourage detention avoidance and detention release</li> <li>- Will provide CBSA with input on program implementation and trends post implementation to influence program success.</li> </ul>
IRB	<ul style="list-style-type: none"> <li>- As the delegated decision-maker on detention release provisions, IRB members may evaluate the validity of ATD framework elements in light of a detainee's risk and release considerations.</li> </ul>
Canadian public	<ul style="list-style-type: none"> <li>- Benefit from augmented supervision of immigration clientele within society</li> <li>- Will result in the release of individuals of varying levels of risk into society</li> </ul>

## 2.2.9 Capacity

The CBSA may follow the CBSA Project Management Framework in implementing the expanded ATD framework. This will also be supported by the Agency's Service Life Cycle Management Framework (SLMF) as it pertains to the VR program, which is designed to define the required artefacts that are to be created, who is responsible, accountable, consulted, and informed for their creation, and how they are governed for a project. The success of the project is contingent on the Agency's PMF and SLMF processes working with the business owner to achieve the same objectives. Dedicated resources throughout the Agency have been assigned to implement the national ATD framework.

Subject to receiving the requested funding, the sponsoring branch has full capacity to manage the investment and bring all presented options of the ATD initiative to implementation; the Branch includes subject matter experts from the program authority, project management experts and an experienced management team. All high level expertise and much of the lower level skills are present within Programs, ISTB, Comptrollership and Operations Branches, with these skilled resources operating in accordance to CBSA Project Management Framework, and, in support of the SLMF to ensure all objectives are implemented and managed effectively.



### 2.2.11 Policy and Standards Considerations

Implementation of the ATD framework must be fully compliant with all relevant Canadian laws and policies regarding the collection, retention, sharing and disposal of personal information as will be confirmed in the ATD Framework PIA, including CCMS, VR with location service and EM (Pilot).

There are neither legislative nor regulatory amendments required nor anticipated, as the ATD framework aligns with existing IRPA and IRPR authorities.

For CBSA officers, ATDs are available either before an arrest is made or, once an individual is arrested and detained, before the first detention review is held by the Immigration Division. Before an arrest, under section 44(3) of the IRPA, officers may impose any condition considered necessary on a foreign national or permanent resident who is the subject of an inadmissibility report, an admissibility hearing or a removal order. If conditions are considered necessary, the appropriate application of conditions at this point in time completely avoids the need for detention.

As described above, CBSA officers maintain a release authority from the time of the arrest until the first detention review is held by the ID. If no ATDs are available at the time of the arrest, the CBSA continues to review the case to determine whether alternatives have become available and, if so, whether they are appropriate. The current policy requires that a second officer review any detention decision made by the original arresting officer. The second officer also has the authority under section 56 of the IRPA to order release and, when doing so, may impose any condition considered necessary. By policy, both the arresting officer and the reviewing second officer must consider whether alternatives are available and release is appropriate.

Under section 159 of the IRPA, the Chairperson of the IRB may issue guidelines to members of the Board. These guidelines, though not binding, serve as guidance to decision-makers and members are expected to apply them or provide a justification for departing from them.<sup>2</sup>

<sup>2</sup> Immigration and Refugee Board website: <http://www.irb-cisr.gc.ca/Eng/BoaCom/references/pol/GuiDir/Pages/index.aspx>



Guideline 2, entitled, Detention, offers member of the Immigration Division guidance on the treatment of individuals detained under the IRPA.<sup>3</sup> In the area of alternatives to detention, the Guideline informs members to consider the availability and effectiveness of an alternative as well as whether it will offset concerns related to danger to the public or ensure an individual will appear as required for an immigration proceeding. When describing joint recommendations for release offered by Minister's Counsel (i.e., the Government) and the person concerned (or counsel on their behalf), the Guideline states that members may endorse the recommendation if concerns are addressed or reject the joint recommendation if it is not determined appropriate.<sup>4</sup>

## 2.2.12 Advantages and Disadvantages

<sup>3</sup> Chairperson Guideline 2: Detention <http://www.irb-cisr.gc.ca/Eng/BoaCom/references/pol/GuiDir/Pages/GuideDir02.aspx>

<sup>4</sup> ibid



## **2.3 Justification and Recommendation**

### **2.3.1 The Preferred Option**

#### **2.3.1.1 Recommendation**

#### **2.3.1.2 Deciding Factors**



### 2.3.1.4 Risks

Ongoing awareness and management of risks is a fundamental driver for the framework approach and decisions taken. The CBSA has developed a robust risk management matrix and associated mitigation strategies. Diligent ongoing monitoring of risks is being effected through the established risk management process, as per the Project Management Framework.

The risks as they have been identified reflect manageable challenges for which actionable mitigation strategies have been developed. See section 3.2.11 for additional detail.

### 2.3.1.5 Implementation Plan

See Section 2.2.8 for timelines toward implementation.

## 3 Phase 3 | Management and Capacity

### 3.1 Managing the Investment

#### 3.1.1 Governance and Oversight

The project will follow the CBSA Investment Management Framework to ensure that appropriate project management processes and controls are in place. Governance committees are established at Agency portfolio and project level with defined levels of authority to provide ongoing oversight to the portfolio of projects. Agency-wide portfolio governance aligns with the corporate governance model and ensures project oversight resulting in accountability of Directors, Directors-General and Vice-Presidents managing the CBSA portfolio of projects. The project will also monitor and report on any changes, risks and/or issues that may impact the realization of desired business outcomes and benefits. Adhering to these processes and controls will position the investment to be successfully delivered within scope, cost, and time. Further, in conjunction with the NIDF, the CBSA has designed an Implementation Board governance structure including representatives from all CBSA Branches, and regional representation to ensure effective, transparent delivery of NIDF elements.

#### 3.1.2 Investment Management Strategy

CBSA has structured its organization and identified corporate management strategies to support the successful completion of project activities and to provide for the necessary level of oversight, review, and contribution from all required parties.

The ATD framework will follow CBSA Investment Management Framework, which embraces sound project management principles and conforms to widely accepted best-practices standards, as it is designed to support the Agency's successful delivery of an aggressive agenda through:

- Standardized project management methodology, tools and templates to ensure the successful completion of project activities throughout the investment lifecycle;
- Standardized project management processes and strategies to support project requirements and the Agency's organizational structure / processes; e.g. investment scope, schedule, cost, benefits, risk, human resources and procurement management;



- Standardized project performance and reporting processes and templates to support effective communication to stakeholders, as well as senior management and governance committees to enable effective and informed decision-making.

### 3.1.3 Investment Review Strategy

The project lead will report the health status of the project via the Executive Investment Dashboard (EID) reporting process, which is used to provide a consistent structure for reporting on the health of Agency projects and to strengthen the quality and accuracy of information provided to help support senior management decision-making. The Agency reporting process helps to ensure that the appropriate processes and controls are in place to support the achievement of project outcomes while mitigating the risk to stakeholders.

The ATD framework will incorporate gate decision points, which is the governance structure used to formally assess project performance against the planned outcomes/benefits at the end of each Investment Management Lifecycle phase. These gate decision points provide senior management the opportunity to re-evaluate the project's progress against the business benefits and plans, to determine if the business case is still valid and whether the project can be successfully delivered.

To ensure effective communication with project team members, stakeholder and senior management, committees have been established to discuss the progress of the investment along with key issues and risks, mitigation strategies and corrective action required.

### 3.1.4 Benefits Management Strategy

The ATD benefits management strategy aims to support the transformation of the detention program. Aligning with the priority to strengthen organizational resilience, the CBSA will:

- Develop efficiencies and implement a new approach to risk;
- Implement best practices and consistent service standards nationally;
- Provide officers tools and programs to manage a range of clients in an equitable manner and,
- Create new business processes and establish efficiencies through the modernization of the infrastructure.

The ATD Framework will assist in achieving three general outcomes of the NIDF: national consistency, efficiency through improved risk management, and effective use of release options.

In addition, the program is to introduce compliance and release management tools that allow for the management of individuals in the community where:

- It would assist individuals in maintaining compliance until their removal (if required); or
- Removal is unlikely due to impediments beyond the control of the detainee.



The following three benefits are the foundation to the ATD Benefits Realization Plan:

These benefits will be managed, monitored, and reported on through cooperation between Programs and Operations Branches until they have been realized. A series of performance measures and internal CBSA system upgrades have been developed allowing for timely and accurate performance data.

### 3.1.5 Performance measurement strategy

The actual realization of program benefits can span a considerable period of time (often years). Throughout this period, the Key Performance Indicators (KPIs) associated with individual benefits will be tracked, measured, managed and realized by the business line.

The KPIs and the associated baseline and target by year are listed in the tables within Appendix 5 of this report. The appendix lays out the performance measures and timelines for benefit realization for the ATD Program. It is important to note that all of the KPIs listed in *Appendix 5* are new to the Agency and some are dependent on outstanding systems updates (which account for the missing baselines/targets). These items will be populated as system updates occur and the program approaches implementation in January 2018.

All future amendments to the suite of performance measures will be done through consultation with Corporate Affairs Branch and the Detention Transformation Unit within Programs Branch. Once agreement has been reached with those parties, other key stakeholders (HQ Operations, the Regions, etc.) will be brought in for validation and data extraction methodologies. Attached in *Appendix 6* is the Investment Logic Map (ILP) which depicts the drivers, objectives, enabling assets and changes required to meet the benefits laid out within the benefits plan.

### 3.1.6 Risk management strategy

This initiative will follow the CBSA Project Risk Management Process which is part of the CBSA Project Management Framework. The project will have a risk management plan that defines the process for identifying, analyzing, mitigating, and monitoring the investment risks.

### 3.1.7 Change management strategy

The Change Management Strategy, which will be formalized as part of the NIDF's Implementation Board, will seek to ensure that any changes to scope, outcomes and outputs are properly managed through the project life cycle and presented to management for impacting and approval or acceptance on a regular basis as required. A dedicated Project Management Office has been created to support the implementation of all NIDF deliverables, including Alternatives to Detention. This PMO will facilitate the processing of project management documentation and escalation of required decisions and actions through the appropriate governance committees. For the purposes of this ATD Framework, any change requests that seek to change the overall scope or outcomes of any ATD program will be formally approved by the Implementation Board, chaired by the AVP of Programs Branch.

The change management approach, which involves a fundamental transformation of how the CBSA undertakes detention and release decisions, will ensure that all areas of the Agency; particularly inland



enforcement, is engaged actively through the design and development of the initiative. Specific focus group consultations are being undertaken in each region to ensure that the overall scope and process of the ATD Framework meets the needs of the operation, and that any subsequent changes to the Framework outside those discussions, is documented and addressed through a formal governance process.

The CBSA has also commenced with employee engagement sessions in all regions on the NIDF, including the ATD framework, has attended all regions to lead ATD focus groups on various program elements, and is working to design a multi-tiered training program for all facets of the ATD framework.



**Feesey, Julia**

---

**From:** Patrice, France  
**Sent:** October 11, 2017 04:17 PM  
**To:** CBSA-ASFC\_GU-UG  
**Cc:** Carboneau, Alex; Emmanuel, Marjorie; Blanchard, NathalieX  
**Subject:** RE: For Review: September 28, 2017, EC RoD - Due: 2017-10-11 / Pour fins d'examen: CRD du CEA du 28 septembre 2017 - date butoir: 2017-10-11

Bonjour,

Please see some amendments (in red) for clarity on item #2 and also in red below for item #3 amended wording and date.

Merci,  
France

**Item #2: Alternatives to Detention**

**Sponsor:** Associate Vice-President, Programs Branch

**Purpose:** Decision

**Presenter:** Director, Detentions Transformation and Program Management

**Item #3: Cargo Preclearance and Pre-inspection**  
**Sponsor(s):** Vice-President, Programs Branch  
**Purpose for Coming to Committee:** Discussion  
**Presenter(s):** Acting Director General, Commercial Programs

**From:** CBSA-ASFC\_GU-UG

**Sent:** October 5, 2017 11:26 AM

**To:** Bindner, Melissa <Melissa.Bindner@cbsa-asfc.gc.ca>; Boucher-Robertson, Josee <Josee.Boucher-Robertson@cbsa-asfc.gc.ca>; Braham, Stephen <Stephen.Braham@cbsa-asfc.gc.ca>; Brant, Kaitlyn <Kaitlyn.Brant@cbsa-asfc.gc.ca>; Caple, Lesley <Lesley.Caple@cbsa-asfc.gc.ca>; CBSA-ASFC\_GU-UG <CBSA-ASFC\_GU-UG@cbsa-asfc.gc.ca>; CBSA-ASFC\_RMPU-URP <RMPU-URP@cbsa-asfc.gc.ca>; CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF <CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF@cbsa-asfc.gc.ca>; Conroy, Samantha <Samantha.Conroy@cbsa-asfc.gc.ca>; Cyr, Chantale <Chantale.Cyr@cbsa-asfc.gc.ca>; Cyr-Carriere, Alexandra <Alexandra.Cyr-Carriere@cbsa-asfc.gc.ca>; De Sa, Caroline <Caroline.DeSa@cbsa-asfc.gc.ca>; Epshteyn, Eugene <Eugene.Epshteyn@cbsa-asfc.gc.ca>; Gorley, Anik <Anik.Gorley@cbsa-asfc.gc.ca>; Gosselin, Gail <Gail.Gosselin@cbsa-asfc.gc.ca>; Lechado-Rodrigue, Adriana <Adriana.Lechado-Rodrigue@cbsa-asfc.gc.ca>; Legault, Anne <Anne.Legault@cbsa-asfc.gc.ca>; Lenahan, Shannon <Shannon.Lenahan@cbsa-asfc.gc.ca>; Magloire-Prosper, Sachelle <Sachelle.Magloire-Prosper@cbsa-asfc.gc.ca>; Mahé, Tammy <Tammy.Mahe@cbsa-asfc.gc.ca>; McCormick, Sarah <Sarah.McCormick@cbsa-asfc.gc.ca>; Perron, Samantha <Samantha.Perron@cbsa-asfc.gc.ca>; Proulx, Kevin <Kevin.Proulx@cbsa-asfc.gc.ca>; Quinn, Robyn <Robyn.Quinn@cbsa-asfc.gc.ca>; Racicot, Kristine <Kristine.Racicot@cbsa-asfc.gc.ca>; Richard, Danielle <Danielle.Richard@cbsa-asfc.gc.ca>; Shivji-Prasad, Shahina <Shahina.Shivji-Prasad@cbsa-asfc.gc.ca>; Smith, Chloe <Chloe.Smith@cbsa-asfc.gc.ca>; St-Laurent, Andrea <Andrea.St-Laurent@cbsa-asfc.gc.ca>; Traversy, Erica <Erica.Traversy@cbsa-asfc.gc.ca>; Trottier, Lise <Lise.Trottier@cbsa-asfc.gc.ca>

**Subject:** For Review: September 28, 2017, EC RoD - Due: 2017-10-11 / Pour fins d'examen: CRD du CEA du 28 septembre 2017 - date butoir: 2017-10-11

**Importance:** High

**\*\*La version française suit\*\***

Good day,

Kindly have your Executive Committee – Look Ahead (ECLA) member review the attached September 28, 2017, Record of Decisions (RoD), and provide the Governance Unit (GU) by 10h00, Wednesday, October 11, 2017, with:

1. your member's comments (if applicable, a nil response is required);

2. any missing or corrections to lead names on follow-up items;
3. reasonable timeframes for each follow-up item assigned to your branch, in cases where this was not specified at the meeting, or confirmation of completion; and
4. confirm that your observer(s) / presenter(s) listed participated in the meeting.

Please ensure that you consult your item presenters as necessary.

A nil response is requested if your member has no comments.

**Also, please be advised that the GU will only accept comments before the deadline. If no lead or completion date has been provided on your action items, they may be determined at the committee when the ROD is raised for approval.**

Thank you,

---

Bonjour,

Prière de demander à votre membre du Comité exécutif – aperçu (CEA) d'examiner le compte rendu des décisions (CRD) de la rencontre du 28 septembre 2017 ci-joint et de fournir à l'Unité de la gouvernance (UG) **d'ici 10h00, mercredi le 11 octobre 2017** :

1. les commentaires de votre membre (s'il y a lieu, une réponse 'aucune' est requise) ;
2. les noms manquants ou correctifs au noms de tous les responsables de suivi ;
3. des délais raisonnables pour chacun des suivis assignés à votre direction générale, dans le cas où un délai n'a pas été identifié lors de la rencontre, ou confirmation d'achèvement; ainsi que
4. la confirmation de la participation de vos observateur(s) / présentateur (s).

Veuillez consulter vos présentateurs d'item (s) afin de vous assurer de leur perspective sur ce CRD.

Si votre membre n'a aucun commentaire, nous vous demandons de toujours nous en aviser.

**De plus, soyez avisé que l'UG acceptera seulement les commentaires fournis avant l'échéance. Dans le cas où aucun délai ou nom de responsable n'est fourni pour la mesure de suivi des points, c'est possible qu'ils soient établis lors du comité quand le CRD sera soulevé pour approbation.**

Merci,

Governance Unit, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[CBSA-ASFC GU-UG@cbsa-asfc.gc.ca](mailto:CBSA-ASFC_GU-UG@cbsa-asfc.gc.ca)

Unité de la gouvernance, Direction générale des services intégrés  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[CBSA-ASFC GU-UG@cbsa-asfc.gc.ca](mailto:CBSA-ASFC_GU-UG@cbsa-asfc.gc.ca)

**Feesey, Julia**

---

**From:** Lepage, Jo-Anne  
**Sent:** September 14, 2017 03:18 PM  
**To:** Feesey, Julia; Campbell, Leah  
**Subject:** FW: ATD going to FIMC - sept 28

Fyi – I added a version on top of PDF Business Case for the one with PH's signature.

ATD Business Case Final PDF Version

---

**From:** Lepage, Jo-Anne  
**Sent:** September 14, 2017 2:43 PM  
**To:** Chaput, Allison <Allison.Chaput@cbsa-asfc.gc.ca>  
**Subject:** RE: ATD going to FIMC - sept 28

Here's the pdf link of BC. Thanks.

ATD Business Case Final PDF Version

---

**From:** Lepage, Jo-Anne  
**Sent:** September 14, 2017 11:48 AM  
**To:** Chaput, Allison <Allison.Chaput@cbsa-asfc.gc.ca>  
**Subject:** FW: ATD going to FIMC - sept 28

Hi Allison, for Carl's review...

Here are the links to the documents required for the FIMC meeting on September 28, 2017.

Presentation - FIMC Gate 3.pptx

In case you need to amend RS:  
Routing Slip - FIMC Presentation.doc

Thanks  
I'll log in from home as soon as I get there.

**Jo-Anne Lepage**

Detentions Transformation and Program Management Division

Canada Border Services Agency/Government of Canada  
[jo-anne.lepage@cbsa-asfc.gc.ca](mailto:jo-anne.lepage@cbsa-asfc.gc.ca) / Tel: 613-948-9916

Division de la transformation et gestion du programme de détention  
Agence des services frontaliers du Canada/ Gouvernement du Canada  
[jo-anne.lepage@cbsa-asfc.gc.ca](mailto:jo-anne.lepage@cbsa-asfc.gc.ca) / Tel : 613-948-9916

---

**From:** Campbell, Leah  
**Sent:** September 13, 2017 1:50 PM  
**To:** Lepage, Jo-Anne <[Jo-Anne.Lepage@cbsa-asfc.gc.ca](mailto:Jo-Anne.Lepage@cbsa-asfc.gc.ca)>; Barr, Curtis <[Curtis.Barr@cbsa-asfc.gc.ca](mailto:Curtis.Barr@cbsa-asfc.gc.ca)>  
**Cc:** Feeseey, Julia <[Julia.Feeseey@cbsa-asfc.gc.ca](mailto:Julia.Feeseey@cbsa-asfc.gc.ca)>  
**Subject:** Fw: ATD going to FIMC - sept 28

Fyi.

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Chaput, Allison <[Allison.Chaput@cbsa-asfc.gc.ca](mailto:Allison.Chaput@cbsa-asfc.gc.ca)>  
**Sent:** Wednesday, September 13, 2017 1:11 PM  
**To:** Campbell, Leah  
**Cc:** Desmarais, Carl; Chaput, Allison  
**Subject:** Fw: ATD going to FIMC - sept 28

Leah - see updated BF dates based on the scheduling of FIMC on September 28.

BF to DO: tomorrow September 24

Sent from my BlackBerry 10 smartphone on the Rogers network.

---

**From:** Byrne, Patrick <[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca)>  
**Sent:** Wednesday, September 13, 2017 1:08 PM  
**To:** Desmarais, Carl  
**Cc:** Chaput, Allison; Lutfallah, Jennifer; Henderson, Lana  
**Subject:** FW: ATD going to FIMC - sept 28

Hi Carl,

ATD has been scheduled for FIMC on September 28. Jennifer will be in Washington so you will be attending and presenting with Peter.

Please incorporate into the deck Peter's comments and requested changes from your meeting on Monday.

**BF English version by September 15 for Jennifer's approval.**  
**BF French version by September 19.**

Thank you,

**Patrick Byrne**  
Strategic Advisor, Programs Branch  
Canada Border Services Agency / Government of Canada  
[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca) / Tel: 613-952-9081

Conseiller Stratégique, Direction générale des programmes  
Agence des services frontaliers du Canada / Gouvernement du Canada

Patrick.Byrne@cbsa-asfc.gc.ca / Tél: 613-952-9081

---

**From:** Carbonneau, Alex

**Sent:** September 13, 2017 10:11 AM

**To:** Byrne, Patrick <Patrick.Byrne@cbsa-asfc.gc.ca>; Henderson, Lana <Lana.Henderson@cbsa-asfc.gc.ca>

**Cc:** CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF <CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF@cbsa-asfc.gc.ca>

**Subject:** RE: ATD going to FIMC - sept 28

Bonjour,

The item has been added to the Sept 28<sup>th</sup> agenda so we'll need your material in both official languages by noon Sept 20<sup>th</sup>

Merci,

**Alex Carbonneau**

613-952-5226

---

**From:** Carbonneau, Alex

**Sent:** September 11, 2017 1:52 PM

**To:** Byrne, Patrick <Patrick.Byrne@cbsa-asfc.gc.ca>; Henderson, Lana <Lana.Henderson@cbsa-asfc.gc.ca>

**Cc:** CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF <CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF@cbsa-asfc.gc.ca>

**Subject:** ATD going to FIMC

Bonjour,

I will ask to add ATD as an item on FIMC Agenda. Can you please provide those informations by EOD today :

Time Required:

Official English Title:

Official French Title:

Reason : (discussion, information, decision)

Presenter:

Observer:

Merci

**Alex Carbonneau**

a/Executive Assistant to the Associate Vice-President , Programs Branch

Canada Border Services Agency

Alex.Carbonneau@cbsa-asfc.gc.ca Tel : 613-952-5226 / Fax : 613-952-2622

Adjointe exécutive intérimaire pour le Vice-Président associé, Direction générale des programmes

Agence des services frontaliers du Canada

Alex.Carbonneau@cbsa-asfc.gc.ca Tel : 613-952-5226 / Fax : 613-952-2622

## Hill, PeterD(CBSA)

---

**From:** Desmarais, Carl  
**Sent:** September 29, 2017 08:04 PM  
**To:** Hill, PeterD(CBSA); Bolduc, Martin  
**Cc:** Lutfallah, Jennifer; Blanchard, NathalieX; Byrne, Patrick  
**Subject:** Fw: Draft Media Lines - ACANs  
**Attachments:** ACAN Media Lines (Sept 29) Final.docx

Peter/Martin,

This is to let you know that the 3 ATD ACANs will be posted on Buy and Sell on Monday. We've worked with Communications and have drafted products in anticipation of media queries. President is aware in light of our EC discussion on Thursday; MINO and PCO have also been looped in via communications. Should not be a surprise for anyone.

Carl

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Campbell, Leah <Leah.Campbell@cbsa-asfc.gc.ca>  
**Sent:** Friday, September 29, 2017 3:24 PM  
**To:** Ouellet, Fabrice; Crowe, Kelly  
**Cc:** Streng, Melanie; Feeseey, Julia; Desmarais, Carl; Sarazin, Danielle  
**Subject:** FW: Draft Media Lines - ACANs

Fabrice/Kelly

Please find attached executive director/ ADG approval of the proposed media lines for the ACANs and ATDs. PSPC will be posting the ACAN today and it will live on buy and sell Monday. I will send you a link when I have it.

Please let me know if you have any questions

Thanks

Mel – can you please make sure these are saved on Apollo. I couldn't find them anywhere.

Thanks  
Leah

**From:** Campbell, Leah  
**Sent:** September 19, 2017 4:38 PM  
**To:** Ouellet, Fabrice <Fabrice.Ouellet@cbsa-asfc.gc.ca>; Streng, Melanie <Melanie.Streng@cbsa-asfc.gc.ca>  
**Cc:** Feeseey, Julia <Julia.Feeseey@cbsa-asfc.gc.ca>  
**Subject:** Re: Draft Media Lines - ACANs

Ok thanks fabrice. We will stand by.

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Ouellet, Fabrice  
**Sent:** Tuesday, September 19, 2017 4:27 PM  
**To:** Campbell, Leah; Streng, Melanie  
**Cc:** Campbell, Leah; Feeseey, Julia  
**Subject:** Re: Draft Media Lines - ACANs

Mino was given a heads-up, but we are waiting for direction about the Surrey contract. We have followed up again today. But no confirmed timelines...

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Campbell, Leah  
**Sent:** Tuesday, September 19, 2017 4:22 PM  
**To:** Ouellet, Fabrice; Streng, Melanie  
**Cc:** Campbell, Leah; Feeseey, Julia  
**Subject:** Re: Draft Media Lines - ACANs

Hi fabrice I have some changes I will send amended changes this evening and can include carl for his approval if you are ok with that?

Do we know when we will receive the ok to proceed? The president has been briefed so just waiting on PCO/MINO9?

Thx

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Ouellet, Fabrice  
**Sent:** Tuesday, September 19, 2017 3:40 PM  
**To:** Streng, Melanie  
**Cc:** Campbell, Leah; Feeseey, Julia  
**Subject:** RE: Draft Media Lines - ACANs

Hi Melanie,

Thanks - these look good. IK have included my comments. If these are ok, can they be submitted to Carl?

Fabrice

**From:** Streng, Melanie  
**Sent:** September 19, 2017 12:31 PM  
**To:** Ouellet, Fabrice <[Fabrice.Ouellet@cbsa-asfc.gc.ca](mailto:Fabrice.Ouellet@cbsa-asfc.gc.ca)>  
**Cc:** Campbell, Leah <[Leah.Campbell@cbsa-asfc.gc.ca](mailto:Leah.Campbell@cbsa-asfc.gc.ca)>; Feeseey, Julia <[Julia.Feeseey@cbsa-asfc.gc.ca](mailto:Julia.Feeseey@cbsa-asfc.gc.ca)>  
**Subject:** RE: Draft Media Lines - ACANs

Hi Fabrice!

Comments have been included in the attached. I added a variety of general Q's and A's previously prepared for the posting of the RFIs that we could also consider including, if you think appropriate.

Feel free to give me a call to discuss.



I was also hoping to set up a time to discuss the overall Comms strategy for the ATD program going forward – I can set something up for tomorrow, otherwise sometime early next week would be best for me.

Let me know what works for you, thanks!

Melanie

**From:** Feeseey, Julia  
**Sent:** September 18, 2017 4:21 PM  
**To:** Ouellet, Fabrice <[Fabrice.Ouellet@cbsa-asfc.gc.ca](mailto:Fabrice.Ouellet@cbsa-asfc.gc.ca)>  
**Cc:** Streng, Melanie <[Melanie.Streng@cbsa-asfc.gc.ca](mailto:Melanie.Streng@cbsa-asfc.gc.ca)>; Campbell, Leah <[Leah.Campbell@cbsa-asfc.gc.ca](mailto:Leah.Campbell@cbsa-asfc.gc.ca)>  
**Subject:** RE: Draft Media Lines - ACANs

Hi Fabrice

Oh Leah's behalf, I've forwarded on to Melanie Streng who is be leading the comms portfolio for ATDs.

We'll get you a response asap tomorrow and if needed, we'd be happy to meet!

Thanks, Julia

**Julia Feeseey**  
Detentions Transformation and Program Management Division  
Enforcement & Intelligence Programs Directorate  
613.954.7100  
Email: [Julia.feeseey@cbsa-asfc.gc.ca](mailto:Julia.feeseey@cbsa-asfc.gc.ca)

**From:** Ouellet, Fabrice  
**Sent:** September 18, 2017 4:00 PM  
**To:** Campbell, Leah <[Leah.Campbell@cbsa-asfc.gc.ca](mailto:Leah.Campbell@cbsa-asfc.gc.ca)>  
**Cc:** Feeseey, Julia <[Julia.Feeseey@cbsa-asfc.gc.ca](mailto:Julia.Feeseey@cbsa-asfc.gc.ca)>  
**Subject:** Draft Media Lines - ACANs

Leah,

Please find attached, for review and input, draft media lines and Q&As for the upcoming posting of ACANs on buyandsell.

I'm available to chat/meet over these tomorrow.

Thank you,

**Fabrice Ouellet**  
Senior Communications Advisor, Programs Communications, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
[fabrice.ouellet@cbsa-asfc.gc.ca](mailto:fabrice.ouellet@cbsa-asfc.gc.ca) / Tel: 613-941-2378 / TTY: 1-866-335-3237

Conseiller principal en communications, Communications des programmes, Direction générale des services intégrés

Agence des services frontaliers du Canada / Gouvernement du Canada  
[fabrice.ouellet@cbsa-asfc.gc.ca](mailto:fabrice.ouellet@cbsa-asfc.gc.ca) / Tél: 613-941-2378 / ATS: 1-866-335-3237



## Media Lines – CBSA Advance Contract Award Notices Alternatives to Detention

**Date: September 29, 2017**

**For use by CBSA spokespersons only**

### ISSUE

On October 2, 2017, the CBSA, alongside Public Services and Procurement Canada, will be posting three Advance Contract Award Notices (ACAN) for the provision of Community Case Management and Supervision services (CCMS), as part of the CBSA's commitment to implement a nationally consistent Alternatives to Detention (ATD) Framework. Following a Request for Information (RFI) process and consultations with industry stakeholders, the CBSA has selected three preferred vendors for the provision of CCMS services to individuals referred to them by the CBSA in order to facilitate detention avoidance and release from detention, where suitable. The selected vendors are the Salvation Army, the John Howard Society of Canada and the Toronto Bail Program (TBP). The ACANs will be published on [buyandsell.gc.ca](http://buyandsell.gc.ca), allowing for a 15 calendar day appeal period.

### MEDIA LINES

#### Alternatives to Detention

- The CBSA's National Immigration Detention Framework (NIDF) aims to ensure that individuals continue to be treated with dignity and respect, and in a consistent manner across the country, ensuring that any detention or release decision is made commensurate with an individual's risk profile.
- The ATD Framework represents a key pillar of the NIDF and supports the overall NIDF through a sustainable, affordable, nationally consistent and risk-based community release programming options.
- Through the implementation of various initiatives, the CBSA will provide officers with an expanded set of tools and programs that will enable them to more effectively manage individual needs while achieving balanced enforcement outcomes.
- In consultation with stakeholders, the CBSA is currently developing an expanded ATD Framework to provide risk-based, nationally consistent programming to individuals deemed suitable for release from detention or management in the community. The ATD Framework will include:
  - a CCMS program that will align in-community support services with individuals' needs to mitigate any risk factors;
  - a nationally available voice reporting system that will enable individuals to comply with reporting conditions imposed by the CBSA or the Immigration and Refugee Board (IRB), by using voice biometrics to report to the CBSA at a prescribed interval; and,

PROTECTION • SERVICE • INTEGRITY

**Canada**



- 2 -

- expanded electronic supervision tools such as the use of GPS Electronic Monitoring on a pilot basis.
- Immigration detention continues to be a necessary immigration enforcement tool designed to preserve program integrity and public safety.

#### **Advance Contract Award Notices (ACAN)**

- In November 2016, following a Request for Information process held in the spring of 2016, the CBSA consulted with vendors potentially interested in providing community case management and supervision services.
- As a result of the industry stakeholder consultations, the CBSA was able to identify three vendors, namely, the Salvation Army, the John Howard Society of Canada, and the Toronto Bail Program, all of which have the capacity and expertise to meet CBSA's demands in the provision of community case management and supervision services.
- The preferred vendors have established experience administering community case management programs and have a demonstrated capacity to fulfil the required mandate.
- Based on market research and industry consultations, the CBSA has formed the opinion that the preferred suppliers are the only third-party organizations in Canada that can meet the CBSA's service needs.
- The ACAN is an open and transparent process in which any organization who has the capacity to fulfil the required mandate can submit a Statement of Capabilities for consideration by Public Services and Procurement Canada (PSPC).

#### **QUESTIONS AND ANSWERS**

##### **Q. What is the CBSA's authority to detain?**

The CBSA has the sole federal accountability to detain persons under section 55 of the IRPA, and as such is responsible for the care and control of immigration detainees. To protect the safety, health and security of Canadians and the integrity of our border, Canada's immigration laws permit the CBSA to detain individuals for lack of identity, for flight risk and for danger to the public. IRPA also affords CBSA Officers the legislative grounds to impose conditions considered necessary to ensure an individual's compliance with immigration-related requirements.

The CBSA's application of its detention authorities is risk-based and supports the selective use of detention. Detention is a last resort and ATDs are always considered, with the CBSA relying on various alternatives to detaining individuals in an Immigration Holding Centre (IHC) or a provincial facility.

Border Services



Services frontaliers

- 3 -

**Q. Why is the CBSA no longer using detention to protect public safety and program integrity?**

Immigration detention continues to be a necessary immigration enforcement tool. Only those individuals whose risk can be effectively managed through ATDs would be considered for community release. Should an officer feel that they lack sufficient information to refer an individual to the CCMS contracted Service Provider at the time of arrest, or that the risk cannot be sufficiently managed through CCMS at that point in time, detention may be warranted.

Additionally, the CCMS program is premised on the cooperation of all parties involved. Level of cooperation on the part of the individual considered is the basis on which referral is initially considered; non-cooperative individuals may be unsuitable due to public safety concerns and the inability to ensure compliance with conditions.

**Q. Why is the CBSA simply not removing individuals instead of releasing them into community?**

The CBSA's enforcement mandate continues to prioritize the removal of foreign nationals who have had their application for status in Canada denied. Where removal is not imminent, and grounds for detention may no longer exist, the CBSA must rely on alternatives to detention to effectively manage some individuals in community, until such time as their removal from Canada can be effected.

Through joint consultations, the CBSA and the contracted Service Provider will determine the level of intervention required to mitigate an individual's risk, support release into the community and encourage compliance until removal is possible. The ATD Framework also provides tools to support the removal process through an expanded capacity to monitor, locate and apprehend individuals that may fail to comply with the conditions of their release, thereby enhancing program integrity. This expanded capacity includes the use of a nationally available voice reporting system that will enable individuals to comply with reporting conditions imposed by the CBSA or the IRB by using voice biometrics to report to the CBSA at a prescribed interval; and expanded electronic supervision tools such as the use of GPS Electronic Monitoring on a pilot basis.

**Q. Why is CBSA offering services to foreign nationals that may not even be available to Canadians?**

None of the services that would be offered through CCMS are above and beyond what is currently available to Canadians or other foreign nationals and permanent residents.

The CCMS program is intended to provide individuals with effective community support until their immigration status is conferred or until they are removed from Canada. These services align with similar services available to Canadian citizens and permanent residents, with the majority being offered through community, municipal or provincial programs and funding.

**Q. Why does the CBSA reward foreign nationals with release from detention in spite of their clear disregard for our laws?**

The CBSA's application of its detention authorities is risk-based and supports the selective use of detention. Canada's immigration laws permit the CBSA to detain individuals for lack of identity, for flight risk and for danger

PROTECTION • SERVICE • INTEGRITY

Border Services



Services frontaliers

- 4 -

to the public. The CBSA's policy and guidelines are clear; persons are only detained when grounds for detention exist and no alternatives are available that mitigate the risk posed by the individual if released. Only those deemed suitable, and whose release from detention can be effectively risk-managed, will be considered for enrollment in community release programs.

**Q. Does the CBSA have any experience with this type of programming?**

The CBSA currently has the following alternatives to detention:

- Release on a performance bond and/or cash deposit to a bondsperson and the imposition of conditions, such as a requirement to regularly report to the CBSA; and,
- A supervised community release option, available only in the Greater Toronto Area, and offered through a contracted partnership with the TBP.

Further, a Voice Reporting (VR) program in the GTAR provides eligible individuals with an alternative to in person reporting. Building upon these successes, the ATD Framework will aim to provide nationally consistent programming for immigration detainees.

**Q. What incentives will people released into community have to collaborate in their removal?**

Stakeholder consultations have highlighted research demonstrating that individuals are more likely to comply and accept negative and unfavorable outcomes when they feel supported throughout the immigration process, and when decisions are arrived at by processes that are perceived as fair. The elements of the CCMS program, including: increased access to information; promoting an active dialogue between the CBSA, the service provider and the individual in question; increased freedom of movement; and, tailored community support, are intended to allow for an informed and well supported progression through the immigration continuum, promoting greater understanding and acceptance of case outcomes, including removal from Canada.

**Q. Why did the CBSA select service providers that have a predominantly correctional background? Immigration detainees are not criminals?**

The service providers have been selected because of their capacity to fulfil the required mandate, as well as their significant experience in administering community case management programs. The service providers will be required to align their services with the specific requirements of the Agency's CCMS program, including working with an immigration clientele.

**Q. Why do estimated costs vary between the three service providers?**

Many factors impact the estimated costs of the proposed contracts, such as the number of anticipated individuals under each contract, the level of intervention and/or supervision required to manage the individual in the community in a manner that mitigates risk, as well as regional cost variances.

PROTECTION • SERVICE • INTEGRITY



- 5 -

**Q. What safeguards will be put in place to make sure that dangerous individuals are not released in the community?**

Public safety is one of the most important considerations when it comes to immigration detention and release programming. CBSA officers continue to have the authority, in accordance with the *IRPA* and related Regulations, to detain a foreign national if they are a danger to the public.

The CCMS program is a risk based community release program, whereby subsequent to a risk assessment, a CBSA officer or the IRB may determine that an individual's risk can be managed in community, resulting in a release from detention. The CCMS program will provide officers a broader array of alternatives to consider, that balance access to community programming, while addressing public safety concerns.

Should an officer feel that they lack sufficient information to refer an individual to the CCMS contracted Service Provider at the time of arrest, or that the risk cannot be sufficiently managed at that point in time, detention may be warranted.

**Q. What will happen with individuals who breach their conditions of release?**

The CCMS program is premised on the cooperation of all parties involved. Level of cooperation on the part of the individual considered is the basis on which referral is initially considered; non-cooperative individuals may be unsuitable due to inability to ensure compliance with conditions. Active monitoring of an individual's case will be undertaken to ensure compliance with conditions of release, with any suspected non-compliance or breach of conditions being reported to the CBSA.

In the event of non-compliance or a breach of conditions, the CBSA may undertake enforcement action, including in some instances arrest and detention. Further, the CBSA, in conjunction with the IRB, may choose to assess current conditions to determine whether a change in the level of intervention is required, or whether withdrawal from the program in its entirety is necessary. Should an officer determine that the risk an individual poses can no longer be effectively managed through CCMS, detention may be warranted.

**Q. Will this measure help reduce the number of children in immigration detention?**

The CBSA's CCMS program will focus on further minimizing the housing of children in detention facilities to the greatest extent possible, with the best interest of the child continuing to be a priority. The CBSA has ensured that the range of services offered by the selected service providers will include the ability to address family or child related needs, including information or referrals related to housing, childcare, etc.

**Q. What are current alternatives to detention?**

An ATD refers to any condition that may be imposed on an individual, assessed by an officer as posing a risk, to avoid detention or favor detention release in a manner that provides the individual with community support, while providing the CBSA with tools to support the removal process, through an expanded capacity to monitor, locate and apprehend individuals that may fail to comply as directed. Current release tools include bond surety available in all regions, as well as release to the TBP in the Greater Toronto Area Region.

Border Services



Services frontaliers

- 6 -

**Q. What is the role of the IRB in this program and the release process?**

All individuals subject to detention are entitled to a detention review, according to timelines specified within the IRPA and its regulations. These detention reviews are conducted by the IRB, an independent quasi-judicial body that holds responsibility for reviewing the reasons for detention and the authority to order either release or continue detention. If the CBSA detains an individual beyond the 48 hour mark, IRB board members are required to hear submissions to ensure continued detention is warranted (and every 30 days thereafter), and the IRB may impose conditions (including release to CCMS) as per IRPA to facilitate the release of detainees.

**Q. How are release conditions imposed?**

Within the first 48 hours of detention, the CBSA, and after 48 hours, the IRB can impose conditions on an individual upon release from detention. In many cases, this will involve a performance bond and/or a cash deposit from a bondsperson and the imposition of other conditions, such as a requirement to regularly report to the CBSA.

**Q. When is the CBSA expecting to launch the expanded ATD program?**

The CBSA is currently engaged in the program design phase with the intention to implement an expanded, national ATD program in Spring 2018.

**Q. How will the enrollment work in practice; will counsel and individual representatives be able to communicate directly with service providers?**

Enrolment by the contracted Service Provider is to be undertaken after the individual has been deemed suitable for program participation by the CBSA, or after the IRB has ordered the individual released into the CCMS program. An active dialogue between the CBSA, the service provider and the individual in question would be ongoing throughout the process.

A CCMS enrolment interview, conducted by the contracted service provider, will be undertaken to confirm the level of intervention required, to identify the specific type and frequency of CCMS services required for the individual, and to formally confirm cooperation and acceptance by the individual of all program guidelines and rules specific to their case.

**Q. What would make a person eligible for consideration under this program?**

Consideration for the ATD program is limited to cooperative individuals (they must agree to the terms of release) whose risk can be mitigated through enrolment in a CCMS program, with support from Electronic Supervision tools, such as voice reporting to the CBSA.

PROTECTION • SERVICE • INTEGRITY



Border Services



Services frontaliers

- 7 -

**Q. Who will decide whether a person is eligible or not for release under CCMS?**

For CBSA officers, ATDs are available either at the time of arrest, or, once an individual is arrested and detained, but before the first detention review is held by the Immigration Division of the IRB within the first 48 hours of detention. The CBSA officer may impose any condition considered necessary to mitigate risk and attain compliance by the individual. If the CBSA detains an individual beyond the 48 hour mark, IRB board members are required to hear submissions to ensure continued detention is warranted, and the IRB may impose conditions as per IRPA to facilitate the continued compliance of released detainees.

**Q. What recourse would a person denied access to the program have to seek redress?**

All individuals subject to detention are entitled to a detention review, according to timelines specified within the IRPA and its regulations. These detention reviews are conducted by the IRB, an independent quasi-judicial body that holds responsibility for reviewing the reasons for detention and the authority to order either release or continue detention. Detention reviews are held within 48 hours of arrest and detention, and every 30 days thereafter. As new information becomes available, case referrals for consideration for CCMS may be brought forth by the CBSA, the IRB, or outside stakeholders (i.e. counsel or family).

If pressed:

- The anticipated costs of the CBSA's CCMS program are approximately \$6.8M over 5 years for Toronto Bail Program, \$6.4M over 5 years for the Salvation Army, and \$4.2M over 5 years for the John Howard Society of Canada.

**Commented [FO1]:** I'd like to have this approved, but we would only use if asked specifically about costs. If we add the average cost of detention, should we also say whether we expect a savings?

**Commented [DC2]:** Is this really needed. Reality is that costs may vary based on negotiations with vendors. If required and included in the ACAN, I would only address in an "If pressed" section.

Prepared by:	In consultation with:	To be approved by:
Fabrice Ouellet Senior Communications Advisor 613-941-2378		<p>Carl Desmarais Executive Director Detentions Transformation and Program Management</p> <p>Jennifer Lutfallah Director General Enforcement and Intelligence</p> <p>Nancy Archipow Director Public Affairs and Strategic Communications</p> <p>Erika-Kirsten Easton Director General Communications Directorate</p>

PROTECTION • SERVICE • INTEGRITY

000138



## Hill, PeterD(CBSA)

---

**From:** Blanchard, NathalieX  
**Sent:** September 27, 2017 11:54 AM  
**To:** Mundie, Robert; Hill, PeterD(CBSA)  
**Cc:** Bolduc, Martin; Mousseau, Pauline; Lutfallah, Jennifer; Desmarais, Carl; Keeler, Carolyn; CBSA-ASFC\_GU-UG; McCormick, Sarah  
**Subject:** RE: Urgent  
**Attachments:** Presentation - FIMC Gate 3(1).pptx; Presentation - FIMC Gate 3 FR(1).pptx  
**Importance:** High

Voici le deck

Nathalie Blanchard

Chef de Cabinet du VP, direction générale des programmes  
Agence des services frontaliers du Canada  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) /tél.: 613-954-7527

Chief of staff for VP, Programs Branch  
Canada Border Services Agency  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) / Tel: 613-954-7527

**From:** Mundie, Robert  
**Sent:** September 27, 2017 11:45 AM  
**To:** Hill, PeterD(CBSA) <[Peter.Hill@cbsa-asfc.gc.ca](mailto:Peter.Hill@cbsa-asfc.gc.ca)>  
**Cc:** Blanchard, NathalieX <[NathalieX.Blanchard@cbsa-asfc.gc.ca](mailto:NathalieX.Blanchard@cbsa-asfc.gc.ca)>; Bolduc, Martin <[Martin.Bolduc@cbsa-asfc.gc.ca](mailto:Martin.Bolduc@cbsa-asfc.gc.ca)>; Mousseau, Pauline <[pauline.mousseau@cbsa-asfc.gc.ca](mailto:pauline.mousseau@cbsa-asfc.gc.ca)>; Lutfallah, Jennifer <[Jennifer.Lutfallah@cbsa-asfc.gc.ca](mailto:Jennifer.Lutfallah@cbsa-asfc.gc.ca)>; Desmarais, Carl <[Carl.Desmarais@cbsa-asfc.gc.ca](mailto:Carl.Desmarais@cbsa-asfc.gc.ca)>; Keeler, Carolyn <[Carolyn.Keeler@cbsa-asfc.gc.ca](mailto:Carolyn.Keeler@cbsa-asfc.gc.ca)>; CBSA-ASFC\_GU-UG <[CBSA-ASFC\\_GU-UG@cbsa-asfc.gc.ca](mailto:CBSA-ASFC_GU-UG@cbsa-asfc.gc.ca)>  
**Subject:** RE: Urgent

Very good, I had been hearing FIMC on Friday but know you were away.

My folks confirmed that it will be on tomorrow's EC. Awaiting document to add.

EC


**From:** Hill, PeterD(CBSA)  
**Sent:** September 27, 2017 11:39 AM  
**To:** Mundie, Robert <[Robert.Mundie@cbsa-asfc.gc.ca](mailto:Robert.Mundie@cbsa-asfc.gc.ca)>  
**Cc:** Blanchard, NathalieX <[NathalieX.Blanchard@cbsa-asfc.gc.ca](mailto:NathalieX.Blanchard@cbsa-asfc.gc.ca)>; Bolduc, Martin <[Martin.Bolduc@cbsa-asfc.gc.ca](mailto:Martin.Bolduc@cbsa-asfc.gc.ca)>; Mousseau, Pauline <[pauline.mousseau@cbsa-asfc.gc.ca](mailto:pauline.mousseau@cbsa-asfc.gc.ca)>; Lutfallah, Jennifer <[Jennifer.Lutfallah@cbsa-asfc.gc.ca](mailto:Jennifer.Lutfallah@cbsa-asfc.gc.ca)>; Desmarais, Carl <[Carl.Desmarais@cbsa-asfc.gc.ca](mailto:Carl.Desmarais@cbsa-asfc.gc.ca)>  
**Subject:** Urgent  
**Importance:** High

Hi Robert:

- Further to VP Forum discussion this am – at our bilat with Pres just now, Martin and I pressed upon Pres need for FIMC discussion on Alt to Deten.
- He agreed to have the item placed on the EC agenda tomorrow for approval.
- Will not need lengthy period – 15 min – as this presentation flows from FIMC June banking days meeting.
- Carl Desmarais will be invited to speak to the deck (Jennifer in Wshgtn for meetings).
- Nathalie has materials and will send them to you.

Peter

2018-01-18



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada



# Gate 3

## Alternatives to Detention (ATD) Common Portfolio

### Finance and Investment Management Committee (FIMC)

Programs Branch  
September 28, 2017

PROTECTION  
SERVICE  
INTEGRITY




PROTECTION  
SERVICE  
INTEGRITÉ

Apollo ID# 6314206

PROTECTION • SERVICE • INTEGRITY

Canada

## Purpose



- To confirm funding for implementation of ATDs
- To confirm the scope of the ATD Framework
- To clarify the status of the ATD Framework as a project and how it should be governed
- To seek support to launch into negotiations with vendors with a view to signing long-term contracts

PROTECTION • SERVICE • INTEGRITY

2

2018-01-18

## Executive Summary



### Alternatives to Detention

<b>Portfolio Director General</b>	Common Portfolio – Gino Lechasseur
<b>Project Sponsor</b>	Peter Hill, AVP, Programs Branch
<b>Project Lead</b>	DG Jennifer Lutfallah, Enforcement and Intelligence Programs
<b>Business Outcomes</b>	<p>The business outcomes for the Canada Border Services Agency (CBSA) are:</p> <ol style="list-style-type: none"> <li>1. Increased compliance by released individuals (Less instances of failure to comply or absconding); expanded ability to identify, and apprehend if required</li> <li>2. Increased consistency in detention and release decision making</li> <li>3. Reduced reliance on CBSA Immigration Holding Centre (IHC) and provincial detention facilities; and</li> <li>4. Increased proportion of eligible individuals released on ATD conditions</li> </ol>
<b>Strategic Alignment</b>	<p>This initiative supports the CBSA's strategic outcome of facilitating international trade and travel across Canada's border while protecting Canada's population from border-related risks supporting CBSA's organizations priorities:</p> <ol style="list-style-type: none"> <li>1. Maintain the safety and security of Canada's population from border-related risks</li> <li>2. Strengthen the integrity of Canada's immigration and border management frameworks</li> <li>3. Facilitate the free and lawful movement of low-risk travellers across Canada's borders while optimizing measures to intercept inadmissible people; and</li> <li>4. Strengthening international relationships with border management agencies</li> </ol>

PROTECTION • SERVICE • INTEGRITY

3

## Executive Summary (Cont'd)



### Alternatives to Detention

<b>Project Purpose</b>	To develop and expand on a national ATD framework as part of the National Immigration Detention Framework
<b>Project Start Date</b>	April 1, 2016
<b>Project End Date</b>	April 3, 2018 (monitoring and programmatic assessment ongoing post implementation)
<b>Risks</b>	<ol style="list-style-type: none"> <li>1. <b>Release management tools do not effectively mitigate the risks associated with release, resulting in increased criminal behaviour, absconding, failure to comply and/or reoffending.</b>  <b>Mitigation:</b> Ensure that the conditions and the consequences resulting in a failure to comply or absconding are made clear to the individual and are substantial enough to encourage positive behaviour and swift enforcement against non-compliance. Ongoing assessment of detention and release based on information provided by the Community Liaison Officers (CLO) and service providers. Develop and implement robust and timely training for CBSA staff to support effective program delivery.</li> <li>2. <b>Increased release rates could lead to an increase in warrant inventory, and increased pressure on the investigations program.</b>  <b>Mitigation:</b> The Voice Reporting (VR) with location-based services and Electronic Monitoring (EM) pilot in the GTA, are developed to increase effectiveness of enforcement action against absconding/non-compliant individuals, including additional tools to monitor, track and locate. Ability to direct resources within Inland Enforcement – investigations and removals to offset any additional pressures resulting from ATD program (e.g. increase in absconders). Develop and implement a robust training program for CBSA officers.</li> <li>3. <b>The CBSA's detention expenditures do not decrease with the release of detainees into an ATD program; the cost of the program exceeds the cost avoidance from release; and/or inland enforcement functions to locate and apprehend released individuals exceed cost savings.</b>  <b>Mitigation:</b> CBSA will continually assess program parameters, assumptions, risk management practices and performance measures through enhanced monitoring to assess the impact of release decisions on inland enforcement program areas. Regions, wherein the majority of detainees are released on minimal conditions, will monitor to assess whether operational execution of the program design results in increased use beyond forecasted capacity.</li> </ol>
<b>Issues</b>	<p>The need for increased national consistency, efficiencies through improved risk management, and sustainable infrastructure</p> <p>Recent deaths in custody, intense media attention and increasing stakeholder and public concern regarding the CBSA's detention program are eroding public confidence</p>

PROTECTION • SERVICE • INTEGRITY

4

2018-01-18

## Scope

### Alternatives to Detention

#### Project Scope

The ATD framework will expand the scope of current CBSA conditions and release mechanisms and develop new tools to close gaps in programming availability and access on a national scale. The ATD framework will include ATD Community Programming coupled with limited Electronic Supervision tools.

#### ATD Community Programming:

Bond  
In-person Reporting  
Community Case Management & Supervision

#### Electronic Supervisions:

Voice Reporting w/Location Services  
GPS Electronic Monitoring (TBC through pilot in GTA)

- Will fulfill TB commitment to safely release up to 10% of individuals from detention
- Provides an effective means to monitor, track, locate and apprehend individuals released in community from all levels of risk
- Exceeds Cabinet and TB commitments by piloting the electronic monitoring program in the GTA region, as a means to effectively manage high risk detainees

PROTECTION • SERVICE • INTEGRITY

5

## Financial Overview

		2017-18	2018-19	Total	2019-20 & Ongoing
Current Funding Profile	Salary	\$1,422,000	\$2,511,344	\$3,933,344	\$2,480,612
	Non-Salary	\$1,157,000	\$6,036,656	\$7,193,656	\$6,067,387
	<b>Total Vote 1</b>	<b>\$2,579,000</b>	<b>\$8,548,000</b>	<b>\$11,127,000</b>	<b>\$8,547,999</b>
	Salary	\$0	\$0	\$0	\$0
	Non-Salary	\$0	\$0	\$0	\$0
	<b>Total Vote 5</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
	<b>Total</b>	<b>\$2,579,000</b>	<b>\$8,548,000</b>	<b>\$11,127,000</b>	<b>\$8,547,999</b>
Actual / Forecast Spending	Salary	\$1,422,000	\$2,511,344	\$3,933,344	
	Non-Salary	\$1,157,000	\$6,036,656	\$7,193,656	
	<b>Total Vote 1</b>	<b>\$2,579,000</b>	<b>\$8,548,000</b>	<b>\$11,127,000</b>	
	Salary	\$0	\$0	\$0	
	Non-Salary	\$0	\$0	\$0	
	<b>Total Vote 5</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
	<b>Total</b>	<b>\$2,579,000</b>	<b>\$8,548,000</b>	<b>\$11,127,000</b>	
Variance	Salary	\$0	\$0	\$0	
	Non-Salary	\$0	\$0	\$0	
	<b>Total Vote 1</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
	Salary	\$0	\$0	\$0	
	Non-Salary	\$0	\$0	\$0	
	<b>Total Vote 5</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	
	<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	

#### Notes:

- FIMC approved 2017-18 funding in June 2017. The \$6M gap for remaining years and ongoing to be clarified in Q3.
- The above costs are for the following:
  - ATD-Community Case Management & Supervision (CCMS) (Medium and High risk release)
  - Voice Reporting with location services
  - Electronic Monitoring Pilot in GTA for "high-risk" individuals
  - NHQ staff to support implementation and operation, Regional staff to support augmented investigations, Community Liaison Officer position in all regions.

PROTECTION • SERVICE • INTEGRITY

6

Note: Financial information must be approved by Comptrollership Branch

2018-01-18

## Schedule



### ATD Schedule

Launch Date: April 1, 2016

Key Milestones / Deliverables	Approved Completion Date	Forecasted Completion Date	Variance in months
Identification of an ATD Funding Source	-	June 28 2017	
<b>Horizontal Activities for ATD</b>			
Program framework design and eligibility parameters confirmed	March 31 2017	December 22 2017	9
Business process maps complete		October 26 2017	
Communication strategy complete		November 14 2017	
Training strategy and development complete	October 31 2017	November 30 2017	1
Privacy Impact Assessment complete	January 2018	March 2018	2
Governance at NIDF Implementation Board		ongoing	
<b>Voice Reporting (VR):</b>			
Proof of concept complete	December 30 2016	March 15 2017	3
Warrant Response Centre (WRC) staff trained	July 31 2017	January 30 2018	6
VR contracts for pilot awarded	June 30 2017	November 2017	
National deployment of VR pilot	December 30 2017	April 3 2018	3
*Full system deployment (integration with NCMS)	December 30 2019	December 30 2019	0
<b>Case &amp; Community Management Supervision (CCMS)</b>			
CCMS contracts awarded	June 30 2017	January 2 2018	6
Training regional staff and WRC	December 31 2017	February 28 2018	2
National launch of CCMS	January 30 2018	April 3 2018	2
<b>Launch and Enrollment of Clients*</b>	<b>January 30, 2018</b>	<b>April 3, 2018</b>	<b>2</b>

\* Following ATD Framework implementation the CBSA will undertake regular reporting and frequent programmatic and quality assurance assessments on ATD Framework elements

PROTECTION • SERVICE • INTEGRITY

7

## Benefits Realization Profile – B1 (in progress)



PROTECTION • SERVICE • INTEGRITY

8

2018-01-18

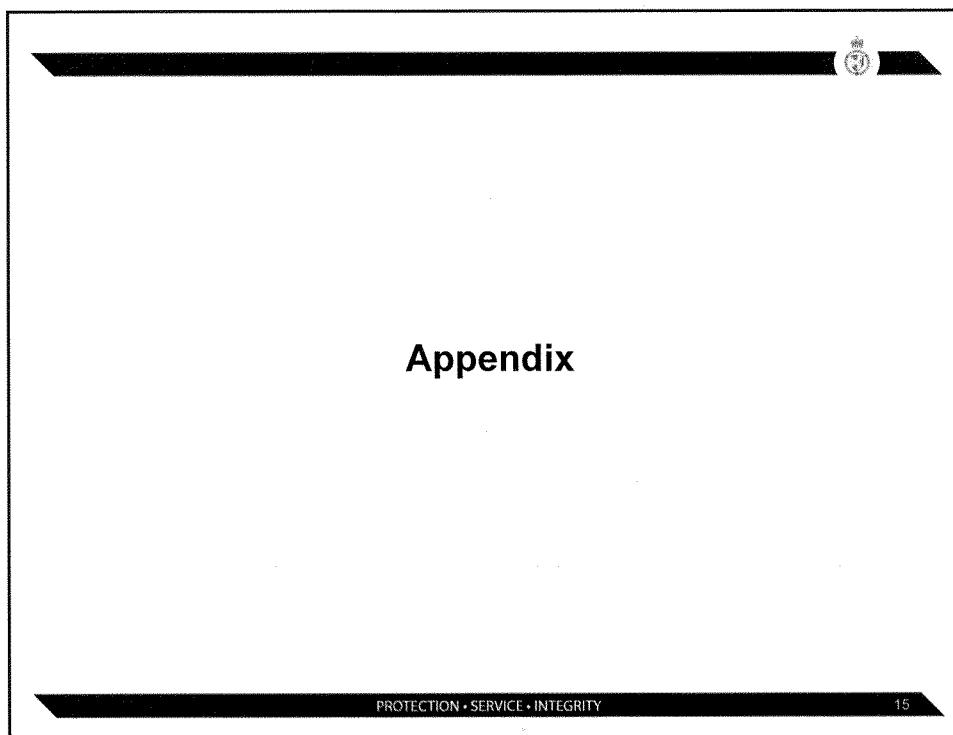
## Recommendations




- Implement a Community Case Management & Supervision (CCMS) program by April 3, 2018; a Voice Reporting program by March 31, 2018; and launch a 2 year pilot project in GTA to test the effectiveness of Electronic Monitoring
- Launch contracting negotiations to enter into long-term (5 years) partnerships with service providers to deliver CCMS programming
- Confirm ATD funding as decided by FIMC on June 15, 2017 for year two (2018-19) and ongoing in the amount of \$8.5M annually
- Create a Work Breakdown Structure in CAS to support effective internal and external (i.e. Treasury Board) reporting of program costs
- Manage the ATD Framework as a project under the National Immigration Detention Framework Implementation Board, which functions in accordance with CBSA's project management practices and standards



2018-01-18



# Service Lifecycle Management Framework



## For IT-NCMS changes to reporting for the ATD framework

Portfolio:	Common- Gino Lechasseur			
ISTB Service:	Enforcement Intelligence Recourse Services Directorate (EIRSD)	Release ID: Pending release proposal	On Schedule: Yes	On Budget: Yes

SLMF Work Product	Apollo ID (or link)	Date Approved at SMB	Apollo ID (or link) to SMB RoD
Business Requirements Document (BRD)		January 26, 2017	
Business Requirements Traceability Matrix (B-RTM)		January 26, 2017	
Business Use Cases (BUC)		January 26, 2017	
Release Proposal (supported by: Demand Forecast, Service Sustainability Model, etc. as per template)		March 17, 2017	
Task Authorization(s)	Pending release proposal	TBD	TBD
Alternate Service Delivery (ASD) RFP (if required)	Pending release proposal	TBD	TBD

Conditional Approvals in effect: none

Approved SLMF Variances: none

Risks and Issues:

Amendments to Baseline: none

PROTECTION • SERVICE • INTEGRITY

16

2018-01-18

Lessons Learned	
Lessons Learned	Impacts on project
Early consult with Information Technology (IT) to ensure requirements are understood and appropriately prioritized accordingly.	Early engagement with IT (and other stakeholders) ensures ATD objectives are achievable within specified timeframes.
Establish coordinators in regions to provide support for program design, facilitate and centralize communication, provide regional input, and monitor progress at an operational level.	The inclusion of regional coordinators from the field ensures program design is developed with all perspectives in mind, improves the likelihood of attaining business outcomes, and fosters centralized and effective communication channels throughout the project lifecycle.

PROTECTION • SERVICE • INTEGRITY

17

Project Management Gate Approvals		
Approved Gate	Gate 2	TIPP March 15, 2016
Current Gate	Gate 3	FIMC September 28, 2017
Next Gate	Gate 4	TBD

TIPP: Transformation, Innovation and Project Portfolio Committee  
 FIMC: Finance and Investment Management Committee

PROTECTION • SERVICE • INTEGRITY

18

Hill, PeterD(CBSA)

**From:** Ouellet, Fabrice  
**Sent:** October 25, 2017 02:54 PM  
**To:** Bolduc, Martin; Blanchard, NathalieX  
**Cc:** Hill, PeterD(CBSA); Lutfallah, Jennifer; Byrne, Patrick; Desmarais, Carl; Campbell, Leah; Easton, Erika-Kirsten; Archipow, Nancy; Crowe, Kelly; Mousseau, Pauline  
**Subject:** For VP Programs approval - News release and Media lines for the announcement on the Ministerial Direction concerning the treatment of minors in Canada's immigration detention system  
**Attachments:** HQ-Media lines Ministerial Direction-National Directive on Minors- 10 25.docx; HQ - News Release - MD re minors 25 10.doc  
**Importance:** High

Good afternoon,

Please find attached, for VP Programs approval, the news release and media lines for the upcoming announcement on the Ministerial Direction concerning the treatment of minors in Canada's immigration detention system. These products have been approved by Jennifer Lutfallah, DG EIPD, as well as Erika-Kirsten Easton, DG Communications.

The announcement is anticipated for Thursday, November 2, 2017. In order to meet this timeline and allow for MINO and PCO review of the products, your approval is sought by **tomorrow, October 26, 10 am** please.

Thank you,

Fabrice Ouellet

Senior Communications Advisor, Programs Communications, Corporate Affairs Branch

Canada Border Services Agency / Government of Canada

[fabrice.ouellet@cbsa-asfc.gc.ca](mailto:fabrice.ouellet@cbsa-asfc.gc.ca) / Tel: 613-941-2378 / TTY: 1-866-335-3237

Conseiller principal en communications, Communications des programmes, Direction générale des services intégrés  
Agence des services frontaliers du Canada / Gouvernement du Canada

[fabrice.ouellet@cbsa-asfc.gc.ca](mailto:fabrice.ouellet@cbsa-asfc.gc.ca) / Tél: 613-941-2378 / ATS: 1-866-335-3237

Draft email for VP Programs and VP Ops

We wish to inform you that the Minister of Public Safety and Emergency Preparedness has issued a Ministerial Direction (pls hyperlink MD) on October 18, 2017 to the Canada Border Services Agency (CBSA) relating to detention and housing of minors. A Ministerial Direction is an exceptional pronouncement that specifies how initiatives, programs and/or policies are to be delivered by departments/agencies. The Direction has three core objectives:

- 1) To reaffirm the Government of Canada's position and way forward on the treatment of minors within the immigration detention context;
- 2) To direct the CBSA to implement a National Directive on the detention and housing of minors; and
- 3) To articulate the Agency's accountabilities as it relates to the implementation of the Ministerial Direction.

In order to fulfill the Agencies requirements under the Ministerial Direction, a National Directive: "*National Directive on the Detention or Housing of Minors*" (National Directive henceforth) (pls hyperlink ND) will be implemented immediately. The National Directive contains prescribed administrative guidance to CBSA officers and management, that will support the Agency's efforts to actively and continuously seek alternatives to detention, stop the detention or housing of minors except in extremely limited circumstances, and to preserve the family unit among its key objectives. The National Directive will further support work that is being undertaken to transform the immigration detention program, initiated through the National Immigration Detention Framework. The new National Directive is effective immediately and we kindly request your complete adherence to the spirit and intent of the MD.

In the coming day, an Operational Bulletin will be published articulating the steps to be taken by officers and management when faced with a detention decision that may involve a minor. We are hopeful that you will support our continued efforts to make Canada a world leader in immigration detention.

Thank-you very much for your unequivocal and continued support.

*Insert VP Programs signature block    Insert VP Operations signature block*

*French version: being translated*

## Hill, PeterD(CBSA)

---

**From:** Desmarais, Carl  
**Sent:** October 26, 2017 11:47 AM  
**To:** Bolduc, Martin  
**Cc:** Hill, PeterD(CBSA); Blanchard, NathalieX; Emmanuel, Marjorie; Lutfallah, Jennifer; Byrne, Patrick; Henderson, Lana  
**Subject:** For Information/Action: Ministerial Direction - Minors in Detention  
**Attachments:** Draft email for VP Programs and VP Operations.docx; Ministerial Direction to the CBSA on the Detention of Minors .pdf

Bonjour Martin,

As you know, we sought and obtained Ministerial Direction (MD) from Mr. Goodale on the issue of minors in detention. You approved communications products yesterday in anticipation of a public announcement next week, November 2. Since the MD was approved early last week, we have been coordinating our action plan in conjunction with Communications and the Minister's Office to ensure smooth and successful implementation of the MD and related field guidance. As part of the implementation plan, we were hoping that you and Jacques would agree to send an email to staff (Ops Branch) marking the release of the MD, noting its importance and the need to adhere to it.

**Could I ask you to confirm whether you would be inclined to send such an email? If so, could we seek your approval of the attached message to staff (being translated at this time)?**

Assuming you are in agreement with the approach and recommended message, we would work with Nathalie to seek VP, Ops approval and have the message sent by Ops VPO to all Operations Branch staff.

For reference, I've included additional information about the proposed roll out plan and key source documents.

Let me know if you have any questions,

Carl

### Proposed Roll Out Plan:

1. On November 2, the Ministerial Directive (see attached PDF) will be posted live on the Public Safety website, which will support the launch of our internal action plan.
2. On November 2, a News Release will be distributed announcing the release of the MD and referencing CBSA's next steps to support the implementation of the directive. The proposed News Release and proactive media lines were approved by your office yesterday. They are with the EVP at the moment.
3. On November 3, we are proposing a joint email (see attached) be sent by you and Jacques announcing CBSA's National Directive on the Detention of minors (links below). This directive supports the implementation of the MD and provides officers further guidance on factors that must be considered when making a detention decision that involves a minor. The National Directive will be posted to CBSA's external website providing the public with further visibility into how the CBSA will support the Ministerial Directive.
4. On November 4, we are proposing that an Operational Bulletin (links below) be published for all officers referencing both the MD and the ND, ensuring all staff will abide by the policies established. A message to the BOC will be sent that morning so this new OB can be introduced to shift briefings.

*Note: Regular coordination between Communications and MINO is occurring towards confirming the launch of the Minister's Directive on Nov 2. This date could shift.*

**Ministerial Direction**

English: See attached PDF document.

French: being translated

**National Directive**

English:

French:

**Operational Bulletin** (need to add the MD link once it becomes available from PS)

English:

French:



## Media Lines and Questions and Answers Ministerial Direction/National Directive on Minors

Date: November 2, 2017

For use by CBSA spokespersons only

### ISSUE

The Minister of Public Safety and Emergency Preparedness has issued a Ministerial Direction to the CBSA to enhance the Agency's accountability to deliver new administrative policies concerning minors in immigration detention. To give effect to the Ministerial direction, the CBSA will be issuing its *National Directive for the Detention or Housing of Minors (hereafter the Directive)*. This prescriptive Directive will support the National Immigration Detention Framework.

### MEDIA LINES

- The Ministerial Direction comes from the Minister to the CBSA and provides the way forward in which the Agency is to treat minors in immigration detention.
- The National Directive comes from the CBSA to CBSA officers, and provides more concrete and prescriptive instructions to CBSA officers on how to operationalize and interpret the commitment affirmed through the Ministerial Direction.
- Key objectives of the Directive will be to stop detaining or housing minors, except in extremely limited circumstances; and to preserve the family unit.
- The Directive was developed following internal and external consultations, which were held from January to May 2017.
- The new Directive will affirm that CBSA officers must consider all alternatives to housing or detaining minors, the best interests of the child, and preserving the family unit. Other fundamental considerations will include:
  - Detention is a measure of last resort; if applied, it is to be applied for the shortest period possible.
  - Detention may be considered when historic, consistent and willful breaches of IRPA or IRPR are demonstrated.
  - A minor may be detained or housed only in extremely limited circumstances after appropriate alternatives to detention are considered and determined to be unsuitable or unavailable.



- 2 -

- The CBSA is working towards expanding alternatives to detention including community-based programming in order to limit the housing of children in detention facilities and to minimize separation from parents.
- The CBSA works to ensure that it is exercising responsibility for immigration detentions to the highest possible standards, with the physical and mental health and well-being of detainees as well as the safety and security of Canadians as primary considerations.

## QUESTIONS AND ANSWERS

### Q1. Why is the Minister Public Safety issuing a Ministerial Direction to the CBSA?

The Ministerial Direction reaffirms the Government of Canada's priority on making concrete changes to the immigration detention system, and the detention or housing of minors and their parents/legal guardians. It reinforces the importance of risk-based decision making by CBSA officers and identifies concrete factors that must be considered when making a decision to detain a minor.

### Q2. Is the issuance of Ministerial Direction to the CBSA unprecedented?

No, Ministerial Directions are given to agencies and departments as warranted, by respective Ministers at their discretion.

### Q3. What is the difference between the Ministerial Direction and the Directive; are they not one and the same?

The Ministerial Direction reaffirms the Government of Canada's position on the issue of minors in detention and provides the CBSA with guidance on overarching measures that must be implemented by the Agency. The National Directive provides more concrete and prescriptive instructions to CBSA officers on how to operationalize and interpret the commitment affirmed through the Ministerial Direction.

### Q4. What policies did CBSA officers rely on prior to the issuance of these two new instruments?

Guidance on the detention of minors and Best Interests of the Child (BIOC) can be found in the *Immigration and Refugee Protection Act* (IRPA), while further considerations regarding the detention of minors is found in the *Immigration and Refugee Protection Regulations* (IRPR). The Directives collectively elaborate on the criteria CBSA officers must consider when making a detention decision that involves a minor, specifically as it relates to family unification and the BIOC. The Directives are much more prescriptive than the IRPA and IRPR, and will help ensure that front line officers have clear guidance regarding detention of minors.

### Q5. What will change as a result of the Directive?

The Directive will provide guidance and restrictions on the use of detention involving minors. It will elaborate on the criteria for detention of minors, for family unification with respect to the detention of





- 3 -

accompanying minors, and the BIOC criteria. It is much more detailed than what is currently found in legislation and helps ensure that front line officers have clear guidance on the detention of minors.

**Q6. How will the Directive work?**

The new Directive will firmly establish the way forward expressed through its key objectives, which include:

- refraining from detaining or housing minors and family separation except in extremely limited circumstances;
- actively and continuously seeking alternatives to detention when unconditional release is inappropriate for the purpose of the above;
- preserving the family unit; ensuring that the detention or housing of a minor or the separation of a minor from his or her detained parents or legal guardians is for the shortest time possible; and
- avoiding segregating minors or leaving them unattended or isolated at an Immigration Holding Centre.

**Q7. How are CBSA officers supposed to determine the Best Interests of the Child (BIOC)?**

There is a reporting component to the directive that outlines how CBSA officers can assess the best interests of the child. Officers shall use, but are not limited to, the list of factors to determine the best interests of the child:

- the child's physical, mental and emotional needs
- the child's educational needs
- the preservation of the family environment and maintaining relationships
- the care, protection and safety of the child
- the level of dependency between the child and the parent or guardian;
- the child's views, if they can be reasonably ascertained; and
- any other relevant factor

Looking ahead, expanded Alternatives to Detention are to be phased in starting April 2018 that include a new Community Liaison Officer position in all regions; approvals on new regulatory proposals concerning the Best Interest the Child (BIOC) are anticipated in spring/summer 2018; and, the new BIOC Assessment Tool should be available shortly thereafter

**Q8. What impacts will this directive have on the number of minors in detention?**

The Directive will result in fewer minors in the immigration detention system. It will have progressively more impact as further Alternatives to Detention (ATDs) are phased in, starting in spring 2018. While it will guide officers in every detention decision involving a minor, the detention or housing of minors may still occur in exceptional circumstances.

**Q9. How will the Directive align with the National Immigration Detention Framework?**

The Directive will contribute toward the transformation agenda of the National Immigration Detention Framework by providing clear and robust guidance on the way in which decisions are made that involve



- 4 -

minors. Furthermore, the National Immigration Detention Framework outlines investments to vastly improve the treatment of individuals, including minors and other vulnerable persons, in Canada's immigration system. These include infrastructure investments, provision of better mental and medical health services at Immigration Holding Centres and the national expansion of the suite of ATDs.

The National Immigration Detention Framework was announced in 2016.

**Q10. How will the Directive help satisfy Canada's international obligations?**

The Directive will align with international standards that calls to eliminate or greatly reduce the detention of minors. It also devotes an entire section to the Best Interests of the Child (BIOC), a key principle of the UN Convention of the Rights of Child to which Canada is a signatory.

**Q11. How will the Directive align with the current regulatory development work on the Best Interests of the Child?**

The Agency is developing regulations to ensure that the best interest of a "non-detained" (ie. "housed") minor are respected. These are minors who have no detention order issued against them, but who are housed within an Immigration Holding Centre with their detained parent/legal guardian at their parents request, in accordance with the best interests of the child. This ongoing regulatory work will be conducted throughout the fall/winter 2017 period. Of note, full implementation of ATDs is required to optimize results of the proposed regulatory amendments.

Prepared by:	In consultation with:	Approved by:
Kelly Crowe Communications Advisor 613-948-7854	Aileen Girouard 613-948-9743	Leah Campbell, Acting Director, Detentions Transformation and Program Management Division
Fabrice Ouellet Senior Communications Advisor 613-941-2378	Danielle Sarazin 613-954-7389	Carl Desmarais, Executive Director, Detentions Transformation and Program Management Division
		Jennifer Lutfallah, Director General, Enforcement and Intelligence Programs



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

## News Release

For Immediate Release

Public Safety Minister Goodale issues formal direction to Canada Border Services Agency related to minors in Canada's immigration detention system.

November 2, 2017

Ottawa, Ontario

Canada Border Services Agency

As part of the Government of Canada's objective to improve its immigration detention system, the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, today issued Ministerial Direction to the Canada Border Services Agency (CBSA) concerning the treatment of minors in Canada's immigration detention system. The Direction supplements the Minister's previously stated objective of avoiding the housing or detention of children in detention facilities as much as humanly possible.

To give effect to the Ministerial Direction, the CBSA will be issuing a *National Directive for the Detention or Housing of Minors* to further guide CBSA officers when making a detention decision. The new Directive will support the CBSA's continued efforts to actively and continuously seek alternatives to detention, preserve the family unit and stop the detention or housing of minors, except in extremely limited circumstances.

The introduction of measures to reduce the number of minors in detention is a foundational part of Canada's National Immigration Detention Framework (NIDF), announced in August 2016. The transformation agenda seeks to create a better, fairer immigration detention system. The Framework includes up to \$138 million to improve immigration detention infrastructure, provide better mental and medical health services at CBSA immigration holding centres, expand partnership and alternatives to detention, and reduce the number of minors in detention.

The release of the Ministerial Direction comes at a time when other elements of the NIDF are being implemented. The CBSA has recently received authority to pursue contract negotiations for its Community Case Management and Supervision Services program, which will see the Salvation Army, the John Howard Society of Canada and the Toronto Bail Program provide services to individuals released to the community commencing in spring 2018.

At the same time, the CBSA has made significant progress with its infrastructure projects, with the commencement of construction for the British Columbia Immigration Holding Centre (IHC), the finalization of initial schematic design and the engagement of a new architect in Quebec for the Laval IHC, and lastly the commencement of construction and retrofit at the GTA IHC.

Additionally, the CBSA has entered into a contract with the Canadian Red Cross to begin monitoring of detention conditions in CBSA and provincial detention centres. Public consultations on the NIDF closed and a formal report outlining the results of the consultations with Canadians is available. Detention statistics are being regularly posted on the CBSA website to augment transparency around detention volumes across Canada, and the CBSA has finalized detention agreements with provincial authorities in Quebec, Ontario and British Columbia. All of these initiatives combined will help realize core objectives of the NIDF and contribute to the transformation of the immigration detention system.

## Quotes

"The Government of Canada is constantly looking at ways to improve its immigration detention system – and the treatment of minors is a cornerstone of that effort. Today's announcement signals a strong, new direction that further supports the implementation of the National Immigration Detention Framework, and an integral part of the Government of Canada's efforts to build a better, fairer immigration detention system."

– Ralph Goodale, Minister of Public Safety and Emergency Preparedness



Government  
of Canada

Gouvernement  
du Canada

Canada



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

## Quick Facts

- Immigration detention is not punitive but exercised to ensure the integrity of the immigration system and to ensure public safety. Detention is a last resort and officers must always consider alternatives.
- With respect to vulnerable individuals, CBSA policy stipulates that, where safety or security is not an issue, detention is to be avoided and considered only as a measure of last resort for vulnerable populations, including elderly persons, pregnant women, victims of trafficking and minors.
- Children are detained only as a last resort, taking into account the best interests of the child.
- In 2016-2017, a total of 162 minors were detained or housed with parents or guardians in an Immigration Holding Centre. This represents a 19.4% decrease over the previous year (2015-2016) and a 30.2% decrease since 2014-2015.

## Related Products

- [Arrests, detentions and removals - Detentions](#)

## Associated Links

- [\[Insert link\] Page on ministerial direction](#)
- [\[Insert link\] Consulting with Canadians Report](#)
- [\[Insert link\] National Immigration Detention Framework webpage](#)
- [Minister Goodale introduces new initiatives for a better, fairer immigration detention system](#)
- [Public Safety Minister Goodale announces contract between the Canada Border Services Agency and the Canadian Red Cross for the enhanced monitoring of immigration detentions](#)
- [Statement](#) by the CBSA on Detention of Canadian national children
- [Statement](#) by Minister Goodale on Immigration Detention

- 30 -

## Contacts

Canada Border Services Agency

Media Line

613-957-6500

Follow us on Twitter ([@CanBorder](#)), join us on [Facebook](#) or visit our [YouTube channel](#).



Government  
of Canada

Gouvernement  
du Canada

Canada

Hill, PeterD(CBSA)

---

**From:** Easton, Erika-Kirsten  
**Sent:** November 1, 2017 09:08 AM  
**To:** Ossowski, John; Namiesniowski, Tina; Cloutier, Jacques; Vinette, Denis R.; Bolduc, Martin; Hill, PeterD(CBSA); Mundie, Robert  
**Cc:** Raider, Marc; Archipow, Nancy; Crowe, Kelly; Hutchinson, Scott; CBSA-ASFC-Media Relations; CBSA-ASFC\_Comms\_Coordination; Campbell, Leah; Desmarais, Carl; Blanchard, NathalieX; Quinn, Robyn; Ouellet, Fabrice; Garbers, Raquel; Brunatti, Andrew; Mackenzie, Joey; Melchers, Charles; Legault, Anne  
**Subject:** FYI - Ministerial Direction on Minors in Detention  
**Attachments:** HQ - News Release - MD re minors 27 10.doc; HQ-Media lines Ministerial Direction- National Directive on Minors- 10 27.docx

Good morning.

A heads up that this Monday, November 6, the Minister will hold a media availability to announce Ministerial Direction on minors in detention (see EVP-approved news release and media lines attached). As you recall this, this was originally slated as a paper release only. We have now drafted the Minister's speaking points and they are being circulated for approval.

I touched base with Mino on this following this wk's death in custody, and we are still a go on this ann't for Monday (scheduled to take place after his meeting with UNHCR).

Thx,  
Erika

Erika-Kirsten Easton  
Director General – Communications, Corporate Affairs Branch  
Canada Border Services Agency / Government of Canada  
Erika-Kirsten.Easton@cbsa-asfc.gc.ca / Tel: 613-946-4875 /

Directrice générale – Communications, Direction générale des services intégrés  
Agence des services frontaliers du Canada / Gouvernement du Canada  
Erika-Kirsten.Easton@cbsa-asfc.gc.ca / Tél. : 613-946-4875 /



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

## News Release

For Immediate Release

Public Safety Minister Goodale issues formal direction to Canada Border Services Agency related to minors in Canada's immigration detention system.

November 2, 2017

Ottawa, Ontario

Canada Border Services Agency

As part of the Government of Canada's objective to improve its immigration detention system, the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, today issued Ministerial Direction to the Canada Border Services Agency (CBSA) concerning the treatment of minors in Canada's immigration detention system. The Direction supplements the Minister's previously stated objective of avoiding the housing or detention of children in detention facilities as much as humanly possible.

To give effect to the Ministerial Direction, the CBSA issued a *National Directive for the Detention or Housing of Minors* to further guide CBSA officers when making a detention decision. The new Directive supports the CBSA's continued efforts to actively and continuously seek alternatives to detention, to preserve the family unit and to stop the detention or housing of minors, except in extremely limited circumstances.

The introduction of measures to reduce the number of minors in detention is a foundational part of Canada's National Immigration Detention Framework (NIDF), announced in August 2016. The transformation agenda seeks to create a better, fairer immigration detention system. The Framework includes up to \$138 million to improve immigration detention infrastructure, provide better mental and medical health services at CBSA immigration holding centres, expand partnership and alternatives to detention, and reduce the number of minors in detention.

The release of both the Ministerial Direction and the National Directive comes at a time when other elements of the NIDF are being implemented. The CBSA has recently received authority to pursue contract negotiations for its Community Case Management and Supervision Services program, which will see the Salvation Army, the John Howard Society of Canada and the Toronto Bail Program provide services to individuals released to the community commencing in spring 2018.

At the same time, the CBSA has made significant progress with its infrastructure projects, with the commencement of construction for the British Columbia Immigration Holding Centre (IHC), the finalization of initial schematic design and the engagement of a new architect in Quebec for the Laval IHC, and lastly the commencement of construction and retrofit at the GTA IHC.

Additionally, the CBSA has entered into a contract with the Canadian Red Cross to begin monitoring of detention conditions in CBSA and provincial detention centres. Public consultations on the NIDF closed and a formal report outlining the results of the consultations with Canadians is available. Detention statistics are being regularly posted on the CBSA website to augment transparency around detention volumes across Canada, and the CBSA has finalized detention agreements with provincial authorities in Quebec, Ontario and British Columbia. All of these initiatives combined will help realize core objectives of the NIDF and contribute to the transformation of the immigration detention system.

### Quotes

"The Government of Canada is constantly looking at ways to improve its immigration detention system – and the treatment of minors is a cornerstone of that effort. Today's announcement signals a strong, new direction that further supports the implementation of the National Immigration Detention Framework, and an integral part of the Government of Canada's efforts to build a better, fairer immigration detention system."

– Ralph Goodale, Minister of Public Safety and Emergency Preparedness



Government  
of Canada

Gouvernement  
du Canada

Canada



Canada Border Services Agency  
Agence des services frontaliers du Canada

## Quick Facts

- Immigration detention is not punitive but exercised to ensure the integrity of the immigration system and to ensure public safety. Detention is a last resort and officers must always consider alternatives.
- With respect to vulnerable individuals, CBSA policy stipulates that, where safety or security is not an issue, detention is to be avoided and considered only as a measure of last resort for vulnerable populations, including elderly persons, pregnant women, victims of trafficking and minors.
- Children are detained only as a last resort, taking into account the best interests of the child.
- In 2016-2017, a total of 162 minors were detained or housed with parents or guardians in an Immigration Holding Centre. This represents a 19.4% decrease over the previous year (2015-2016) and a 30.2% decrease since 2014-2015.

## Related Products

- [Arrests, detentions and removals - Detentions](#)

## Associated Links

- [\[Insert link\] Page on ministerial direction](#)
- [\[Insert link\] National Immigration Detention Framework webpage](#)
- [Minister Goodale introduces new initiatives for a better, fairer immigration detention system](#)
- [Public Safety Minister Goodale announces contract between the Canada Border Services Agency and the Canadian Red Cross for the enhanced monitoring of immigration detentions](#)
- [Statement](#) by the CBSA on Detention of Canadian national children
- [Statement](#) by Minister Goodale on Immigration Detention

- 30 -

## Contacts

Canada Border Services Agency

Media Line

613-957-6500

Follow us on Twitter ([@CanBorder](#)), join us on [Facebook](#) or visit our [YouTube channel](#).



Government of Canada  
Gouvernement du Canada

Canada

Hill, PeterD(CBSA)

---

**From:** Lutfallah, Jennifer  
**Sent:** November 2, 2017 05:35 PM  
**To:** Bolduc, Martin; Hill, PeterD(CBSA)  
**Cc:** Blanchard, NathalieX; Emmanuel, Marjorie; Byrne, Patrick; Desmarais, Carl; Campbell, Leah  
**Subject:** FW: Email to Stakeholders - Ministerial Direction on the Detention and Housing of Minors  
**Attachments:** Ministerial Direction\_ENG\_July28,2017.docx; National Directive for the Detention or Housing of Minors (FINAL).docx  
**Importance:** High

Martin and Peter,

Below is a draft email that has been prepared for the Minister to send to stakeholders announcing in relation to the Ministerial Directive and the National Directives in advance of his media brief on Monday. Communications undertook discussions with the PO and the MO in relation to this issue and it was decided that EIPD would draft the email for the Minister's Office and that the Minister would share the documents with the UNCHR, CCR and UofT. Below are the appropriate email addresses that should be provided to the MO as well. Communications indicated that they do not have any input to provide to this message and, further, they indicated that the email should be escalated to VPO for transmission to PO.

Email addresses:

(UNHCR) –

(University of Toronto) -

(Canadian Council for Refugees) -

Colleagues,

This afternoon I will be announcing a Ministerial Direction (Direction henceforth) that I provided to the Canada Border Services regarding the detention and housing of minors. Given your active role in the development of key policies around detention, as well as your close relationship with the Agency, I wish to share with you in confidence an advance copy of this Direction. Additionally, I am providing you an advance copy of the *National Directive on the Detention and Housing of Minors* (National Directive henceforth), that the Agency will implement following my announcement. Both of these documents will be issued and made available publicly in short order.

While I have provided Direction to my Department heads in the past, this is an exceptional pronouncement that will reaffirm the Government of Canada's position and way forward on the treatment of minors in detention. It further directs the CBSA to implement the Direction through a National Directive to officers, and articulates the Agency's accountability in the execution of the Direction.

The National Directive contains prescribed administrative guidance to CBSA officers to ensure complete adherence to the spirit and intent of my Direction, and supports the Agency's efforts to actively and continuously seek alternatives to detention, stop detaining or housing minors except in extremely limited circumstances and to preserve the family unit among its key objectives. The National Directive is intended to close policy gaps and provide precision and rigour in processes and procedures that lead up to detention decisions concerning minors.



While the Agency is making solid progress, it is recognized that more work is on the horizon to fully realize the positive impacts of this initiative. Looking ahead, expanded Alternatives to Detention are to be phased in starting April 2018; proposals for regulatory amendments concerning the Best Interests of the Child are moving forward, and we continue to liaise with stakeholders like yourselves, to further transform our program and realize the full outcomes of the National Immigration Detention Framework.

I wish to convey my sincere gratitude for your profound contributions to this milestone, which has been a long time coming. As the CBSA moves through implementation of their National Directive, should you have any questions, concerns or comments please do not hesitate to contact my colleagues. I welcome any comments that you may have in relation to this Direction.

Best regards,

*Insert signature block*

## **Ministerial Direction to the Canada Border Services Agency**

### **Preamble**

1. The Canada Border Services Agency (CBSA) is responsible for the administration and enforcement of the *Immigration and Refugee Protection Act* (IRPA), including the arrest and detention of permanent residents or foreign nationals in Canada.
2. Canada's immigration detention program is based on the principle that detention shall be used only as a last resort, in limited circumstances and only after appropriate alternatives to detention (ATDs) are considered and determined to be unsuitable or unavailable.
3. When exercising their authority to arrest and detain, under the IRPA and the *Immigration and Refugee Protection Regulations* (IRPR), CBSA officers are guided by jurisprudence, internal policies, guidelines and the *Charter of Rights and Freedom*.
4. Canada's international obligations and domestic legislative and policy frameworks include:
  - a. The *United Nations Convention on the Rights of the Child* (CRC), to which Canada is a party. It states that the Best Interests of the Child (BIOC) shall be a primary consideration in all state actions concerning children;
  - b. Section 55 of the IRPA is the arrest and detention provisions for adults and minors;
  - c. Section 60 of the IRPA affirms the principle that the detention of a minor must be a measure of last resort taking into account other applicable grounds and criteria, including the BIOC;
  - d. Section 248 of the IRPR prescribes other factors for consideration before a decision is made on detention or release;
  - e. Section 249 of IRPR outlines special considerations on the detention of minors;
  - f. ENF 20 Detentions Manual, National Detention Standards and Operational Bulletin (OPS-2017-03 (Reporting of all Situations Involving the Detention or Housing of a Minor to the Border Operation Centre)); and
  - g. The *Canadian Charter of Rights and Freedoms* (s. 7, 9, 10 and 15).
5. The 2016 National Immigration Detention Framework launched the transformation agenda to create a better, fairer immigration detention system to improve infrastructure, provide better mental and medical health services at CBSA Immigration Holding Centres, expand partnerships and ATDs and reduce the number of minors in detention.

## Purpose

6. This Ministerial Direction (MD) provides the President of the CBSA (pursuant to subsection 5(1) of the *Department of Public Safety and Emergency Preparedness Act*; and subsections 6(1) and 8(1) of the *Canada Border Services Agency Act*), the way forward in which the Agency is to treat minors in immigration detention.
7. The MD shall be used in conjunction with the *National Directive on the Detention or Housing of Minors* (2017).
8. The MD does not change existing legal authorities.

## Principles

9. The *National Directive on the Detention or Housing of Minors* adheres to the following principles (a-d) and objectives (e-i):
  - a. The CBSA's program legislation, the IRPA, IRPR, *the Privacy Act*, the *Canadian Charter of Rights and Freedoms* and Canada's international obligations concerning rights of minors shall be respected;
  - b. The well-being of children, family unity and the use of ATDs shall be core tenets underpinning policy direction, in accordance with the expectations and values of Canadians;
  - c. The BIOC shall be a primary consideration to be assessed against other primary and mandatory factors in legislation;
  - d. Public safety and national security shall not be compromised while meeting the policy objectives of the *National Directive on the Detention or Housing of Minors*;
  - e. Stop the detention or housing minors and family separation, except in extremely limited circumstances;
  - f. Actively and continuously seek ATDs when unconditional release is inappropriate for the purpose of the above;
  - g. Preserve the family unit;
  - h. Ensure that the detention or housing of a minor or the separation of a minor from his/her detained parent(s) or guardian(s) is for the shortest time possible; and
  - i. Never place minors in segregation or segregate them.

## Definitions

10. **Minor:** is defined under IRPA and the CRC as a person under the age of 18. In some provinces, a youth aged 16 and 17 is not considered a minor, however, this does not change the fact that they are considered to be a minor in the federal context (R249).
11. **Detainee or Detained:** an adult or minor subject to an Order for Detention under A55 of the IRPA.
12. **Housed (Minor):** a foreign national, permanent resident or Canadian citizen who, after the completion of a BIOC, is kept with their detained parent(s) or guardian(s) at an IHC at the latter's request. A housed minor is not subject to an Order for Detention and is free to remain and re-enter the IHC subject to the parent(s) or guardian(s) consent and accordance with the rules and procedures of that facility.
13. **Best Interests of the Child (BIOC):** an international principle to ensure children enjoy the full and effective benefit of all their rights recognized in Canadian law and the CRC. It is also a rule of procedure that includes an assessment of the possible impact (positive or negative) of a decision on the child or children concerned.
14. **Alternatives to Detention (ATDs):** a policy or practice that ensures people are not detained for reasons relating to their immigration status. ATDs allows individuals to live in non-custodial, community-based settings while their immigration status is being resolved. ATDs includes Community Programming (in-person reporting, cash or performance bond and community case management and supervision) and Electronic Supervision tools, such as voice reporting.

## Accountability and Transparency

15. This MD serves to enhance Ministerial accountability of the CBSA in the administration and enforcement of its program legislation.
16. In the course of implementing this MD, the CBSA shall immediately inform me when there is a potential that a CBSA activity may have a significant adverse impact, such as posing a risk to human life; any risk exposure to the CBSA, Public Safety Canada or the Government of Canada; and/or, negatively affecting bilateral relations with international or domestic organizations.
17. I also expect to be informed of any operational matter if it raises an important question of public policy and/or contraventions set out in this MD. Further, the CBSA shall report back to me on the detention / housing of minors and continue to publish statistics for public consumption on a quarterly basis.
18. Lastly, this Directive shall remain valid until such time as a significant change in Cabinet decision, legislative and/or policy orientation occurs that would undermine its applicability.

Unclassified

# **Canada Border Services Agency**

## **National Directive for the Detention or Housing of Minors**

**FINAL 2017**

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

**Contents**

1. INTRODUCTION .....	3
2. PREAMBLE .....	3
3. DEFINITIONS.....	3
4. OBJECTIVES.....	4
5. LEGISLATIVE AUTHORITIES .....	5
6. FUNDAMENTAL CONSIDERATIONS .....	6
7. BEST INTEREST OF THE CHILD.....	7
8. FAMILY UNITY.....	8
9. CHILD PROTECTION SERVICES .....	9
10. ARREST AND DETENTION OF A MINOR* .....	10
11. UNACCOMPANIED MINORS .....	11
12. HOUSING – ACCOMPANIED MINORS.....	11
13. SERVICES IN AN IMMIGRATION HOLDING CENTRE .....	12
14. TRANSPORTATION AND TRAVEL .....	13
15. REPORTING.....	13
ANNEX A – CHILD PROTECTION SERVICES AND FAMILY CENTRES .....	15
ANNEX B – PROVINCIAL DEFINITIONS OF A MINOR .....	17
ANNEX C – CANADIAN RED CROSS CONTACTS.....	18

# Canada Border Services Agency

## National Directive for the Detention or Housing of Minors

### 1. INTRODUCTION

The Canada Border Services Agency (CBSA) is responsible for the administration and enforcement of the *Immigration and Refugee Protection Act* (IRPA), including the arrest and detention of permanent residents or foreign nationals in Canada. When exercising their authority to arrest and detain, under IRPA and the *Immigration and Refugee Protection Regulations* (IRPR), CBSA officers are guided by jurisprudence as well as internal policies, directives and guidelines. Canada's immigration detention program is based on the principle that detention shall be used only as a last resort, in extremely limited circumstances and only after appropriate alternatives to detention are considered and determined to be unsuitable or unavailable.

This Directive is fully aligned with the Ministerial Direction issued by the Minister of Public Safety and Emergency Preparedness<sup>7</sup>.

### 2. PREAMBLE

Canada's international obligations and domestic legislative and policy frameworks are the broad underpinnings of this Directive. Section 60 of the IRPA affirms the principle that the detention of a minor must be a measure of last resort, taking into account other applicable grounds and criteria, including the best interests of the child (BIOC). A Federal Court decision in 2016<sup>1</sup> ruled that the interests of a housed minor is a factor that can be taken into the decision to detain or maintain detention of a parent and are to be weighed along with other mandatory factors under R.248. The *United Nations Convention on the Rights of the Child* (CRC), to which Canada is a party, states that the BIOC shall be a primary consideration in all state actions concerning children. In recognizing the vulnerability of children and research on the detrimental effects of detention and family separation on children, the CBSA developed the *National Directive for the Detention or Housing of Minors* for operational use, which takes a balanced approach to achieve better and consistent outcomes for minors affected by Canada's national immigration detention system.

### 3. DEFINITIONS

**Alternatives to Detention (ATDs):** a policy or practice that ensures people are not detained at an Immigration Holding Centre (IHC), provincial or any other facility for reasons relating to their immigration status. ATDs allows individuals to live in non-custodial, community-based settings while their immigration status is being resolved. ATDs includes Community Programming (in-person reporting, cash or performance bond and community case management and supervision) and Electronic Supervision tools, such as voice reporting.

**Best Interests of the Child (BIOC):** an international principle to ensure children enjoy the full and effective benefit of all their rights recognized in Canadian law and the CRC. It is also a rule of procedure

<sup>1</sup> B.B. and for Justice for Children and Youth and the Minister of Citizenship and Immigration, Toronto, Ontario (August 24, 2016) – Final Order on Consent, Justice Hughes Order

## Canada Border Services Agency National Directive for the Detention or Housing of Minors

that includes an assessment of the possible impact (positive or negative) of a decision on the child or children concerned.

**Community-based organizations (CBOs):** non-profit groups that work at a local level to improve life for residents. The focus is to build equality across society in all streams - health care, environment, quality of education, access to technology, access to spaces and information for the disabled, to name but a few.

**Detainee or Detained:** an adult or minor subject to an Order for Detention under A55 of the IRPA.

**Family:** consists of a parent(s) or legal guardian(s) ('p/lg' henceforth) and a dependent minor. This may also include family members as defined by IRPR and situations where siblings are traveling together without their p/lg.

**Housed (Minor):** a foreign national, permanent resident or Canadian citizen who, after the completion of a BIOC, is kept with their detained p/lg at an IHC at the latter's request. A housed minor is not subject to an Order for Detention and is free to remain and re-enter the IHC subject to the p/lg consent in accordance with the rules and procedures of that facility.

**Minor:** is defined under IRPA and the CRC as a person under the age of 18. In some provinces, a youth aged 16 and 17 is not considered a minor (see Annex B). However, this does not change the fact that they are considered to be a minor in the federal context (R249).

**Non-Compliance:** failure or refusal to comply, as with a law, regulation, or term of a condition.

**Segregation (Administrative):** the separation of persons to prevent association with others.

**Unaccompanied Minor:** he/she or siblings traveling together do not arrive in Canada as a member of a family or do not arrive in Canada to join such a person.

### 4. OBJECTIVES

1. To stop detaining or housing minors and family separation, except in extremely limited circumstances.
2. To actively and continuously seek ATDs when unconditional release is inappropriate for the purpose of the above.
3. To preserve the family unit for overall well-being and continuity of care.
4. To ensure that the detention or housing of a minor or the separation of a minor from his/her detained p/lg, where unavoidable, is for the shortest time possible.



## Canada Border Services Agency National Directive for the Detention or Housing of Minors

5. To never place minors in segregation (or segregate them) at an IHC, provincial or any other facility.

### 5. LEGISLATIVE AUTHORITIES

**Section 55 of the IRPA** is the arrest and detention provisions applicable to both for adults and minors:

A55 (1) and (2) - A designated officer may arrest and detain, with (1) or without (2) a warrant where:

- The officer has reasonable grounds to believe the person is inadmissible to Canada and
  - is a danger to the public; or
  - the person is unlikely to appear for an immigration process (examination, admissibility hearing, minister's delegate review, or removal);
- The officer is not satisfied of the identity of the foreign national in the course of any procedure under the IRPA.

A55 (3) - A designated CBSA officer may detain a person on entry into Canada (limited to Port of Entry (POE) cases only) where:

- The officer considers it necessary to do so in order for the examination to be completed; or
- The officer has reasonable grounds to suspect that the permanent resident or foreign national is inadmissible on grounds of security or for violating human or international rights, serious criminality, criminality or organized criminality.

A55(3.1) provides for mandatory arrest and detention of a designated foreign national who is 16 years of age or older on the day of the arrival that is subject of the designation made by the Minister of Public Safety and Emergency Preparedness pursuant to subsection 20.1(1) of the IRPA.

**Section A60 of the IRPA** enshrines the principle that the detention of a minor is a measure of last resort while concurrently legislating the BIOC must always be considered:

*For the purposes of this Division, it is affirmed as a principle that a minor child shall be detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child.*

In addition, **Section 249 of IRPR** outlines special considerations on the detention of minors:

- (a) the availability of alternative arrangements with local child-care agencies or child protection services for the care and protection of the minor children;
- (b) the anticipated length of detention;
- (c) the risk of continued control by the human smugglers or traffickers who brought the children to Canada;
- (d) the type of detention facility envisaged and the conditions of detention;

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

- (e) the availability of accommodation that allows for the segregation of the minor children from adult detainees who are not the parent of or the adult legally responsible for the detained or housed minor children; and
- (f) the availability of services in the detention facility, including education, counselling and recreation.

Other factors are prescribed in **section 248 of the IRPR** for consideration before a decision is made on detention or release if it is determined that there are grounds for detention:

- (a) the reason for detention;
- (b) the length of time in detention;
- (c) whether there are any elements that can assist in determining the length of time that detention is likely to continue and, if so, that length of time;
- (d) any unexplained delays or unexplained lack of diligence caused by the Department or the person concerned; and
- (e) the existence of alternatives to detention.

## **6. FUNDAMENTAL CONSIDERATIONS**

1. Detention of a minor is a measure of last resort (A60 above). Detention is to be avoided to the greatest extent possible and applied for the shortest period possible.
2. ATDs must always be considered first for minors and their p/lg and be actively pursued until release.
3. The unity of families is to be highly factored in all detention-related decisions.
4. The BIOC are a primary consideration and may only be outweighed by other significant considerations such as public safety (i.e. R245 Flight Risk (a) (f) and R246 Danger to the Public), or national security.
5. Detention may be considered when historic, consistent and willful breaches of IRPA or IRPR are demonstrated.
6. The BIOC assessment is to be conducted prior to any decision to detain or house a minor or separate a minor from his/her detained p/lg; and should also be conducted on a continual basis (Section 8(2)).
7. Only in extremely limited circumstances may a minor be detained or housed if no suitable ATDs can be found:
  - a) if it is in the BIOC to be housed with their p/lg;
  - b) there are well-founded reasons to believe the minor is a danger to the public;

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

- c) when identity is a serious concern only insofar as there are well-founded reasons to believe the minor or his or her p/lg may represent a risk to public safety and national security; and
- d) the family is scheduled or can be scheduled for removal within seven days and has demonstrated a consistent pattern of non-compliance and willful breaches of conditions or violations of the Act or Regulations elevating the risk of unlikely to appear for removal.

**8. Where detention is warranted:**

- a) detention or housing must be for the shortest period of time;
- b) ATDs will be reviewed by a CBSA officer in consultation with the minor's p/lg, and counsel where applicable, on a weekly basis to prevent prolonged detention;
- c) an unaccompanied minor should never be housed for more than 48 hours at an IHC except where danger to the public considerations have been raised.
- d) there shall be no comingling of unaccompanied minors and other non-familial adult detainees.
- e) no minor (accompanied or unaccompanied) shall be placed in segregation or be segregated.
- f) families must not be separated within the detention facility where possible; and
- g) there shall be access to education, recreation, medical and counselling services, and proper nutrition in accordance with detention standards and international obligations.

**7. THE BEST INTERESTS OF THE CHILD (BIOC)**

Mental health evidence is clear that both detention and family separation have detrimental consequences for children's well-being. The BIOC are best achieved where children are united with their families in community-based, non-custodial settings where possible.

- 1. On all detention decisions that affect minors, CBSA officers must consider the BIOC as a primary consideration and the BIOC assessment (*to be developed*) will be conducted within 24 hours of initial contact with the minor.
- 2. To facilitate decision-making, the BIOC is to be determined separately and prior to the decision to detain the p/lg. It needs to be reviewed on an ongoing basis (includes observations and day to day interactions) based on the legal situation of the minor and their p/lg and their well-being.
- 3. Officers shall use, but are not limited to, the list of factors to determine the BIOC:
  - a) the child's physical, mental and emotional needs
  - b) the child's educational needs
  - c) the preservation of the family environment and maintaining relationships
  - d) the care, protection and safety of the child
  - e) the level of dependency between the child and the parent or guardian;
  - f) the child's views, if they can be reasonably ascertained; and
  - g) any other relevant factor.

## Canada Border Services Agency National Directive for the Detention or Housing of Minors

4. The BIOC is to be determined on a case-by-case basis taking all relevant information related to the minor's situation into account; the interests and rights of the p/lg are taken into consideration subsequent to the BIOC determination.
5. CBSA officers must give minors capable of forming their own views the opportunity to express those views freely in all matters regarding their detention, housing or family separation. Their views should be given due weight in accordance to their age and level of maturity. Although the officer is not bound by their views, they must be considered and duly noted in the determination of what is in the BIOC.
6. A copy of the initial and subsequent BIOC assessments shall be provided to the p/lg; and as appropriate, to the IRB Designated Representative, Child Advocate (or private counsel) and Child Protection Services.

### 8. FAMILY UNITY

1. Every effort must be made to preserve the family unit for overall well-being and continuity of care.
2. Families must be released with or without conditions to the greatest extent possible. Where unconditional release is not possible, an ATD should be used.
  - When p/lg are detained, and public safety (i.e. R245 Flight Risk and R246 Danger to the Public) and/or national security are not an issue, officers must make every effort to find an appropriate ATD.
  - Where public safety (i.e. R245 Flight Risk and R246 Danger to the Public) and/or national security are raised, every effort shall be made to find an ATD that sufficiently mitigates the concerns.

Below are possible scenarios that may be encountered by CBSA officers:

Scenario 1 – Where removal is not or cannot be scheduled within seven days, detention must be avoided and the family must be released using an ATD to the greatest extent possible.

Scenario 2 – May detain one parent and release the other with the minor. This may be considered when one p/lg is a danger to the public or a security concern whereby an ATD for both parents is not appropriate.

3. Though it is crucial to maintain the family unit, there may be exceptional circumstances where it is not possible. Where an ATD is not appropriate for the family or either parent following a thorough review of community based options and release conditions, CBSA officers with the

## **Canada Border Services Agency National Directive for the Detention or Housing of Minors**

p/lg and relatives or CBO shall find a solution for the temporary care of the minor if this is in the BIOC. Contact information of the organization and/or person charged with temporary care of the minor must be indicated in the minor's file (or the p/lg file if the minor is a Canadian citizen). Subject to their level of comprehension, the minor should be given Legal Aid and Provincial Child Advocate contact information.

Below are additional scenarios that may be encountered by CBSA officers:

Scenario 1 – Where one p/lg is deemed appropriate for release, while the other is not, the minor will join the released p/lg if this is the BIOC.

Scenario 2 – Where neither p/lg is deemed appropriate for release as there is not an ATD to sufficiently mitigate the risk they pose, the minor may be released upon the p/lg's written consent to a relative or trusted community member or accompany their detained p/lg at an IHC if this is in the BIOC.

Scenario 3 – Where both p/lg are deemed inappropriate for release since there is not an ATD to sufficiently mitigate the risk they pose, and a relative or trusted community member is not available to support release, the officer shall contact a CBO for advice on the temporary care of the minor until one detained p/lg is released, or accompany their p/lg at an IHC if it is in the BIOC.

Scenario 4 – May detain the family if removal is scheduled within seven days (travel documents are in order) and release is not a viable option e.g., historic, consistent and willful breaches of conditions or violations of the Act or Regulations.

4. If a minor is separated from their family, access to the p/lg must be facilitated and the CBSA officer must inform them of the steps being taken, unless the provision of the information is contrary to the BIOC and compromises the safety and well-being of the minor.

### **9. CHILD PROTECTION SERVICES (CPS)**

1. CPS are responsible for the safety, well-being and familial stability of children, which may involve investigations into abuse or neglect of children (see Annex A). They can also connect families to community resources to address issues like mental health, settlement, temporary accommodations, and provide guidance / advice on the BIOC. Most CBOs are equipped to provide the aforementioned.
2. CBSA officers shall consult the p/lg prior to contacting CPS unless the situation falls within the duty to report under child welfare legislation. Accordingly, CBSA officers must contact CPS if abuse, neglect or other serious concerns are suspected or identified in the BIOC assessment and any time thereafter. Additional reasons for CPS contact are as follows:

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

- a) A trauma experienced by a minor;
- b) Identified safety issues while in custody due to p/lg abuse and/or neglect; and
- c) Parents may be facing criminal charges and due to the nature of the charges, may be separated from their children (i.e. incarcerated in a separate institution).

**10. ARREST AND DETENTION OF A MINOR**

1. Upon the decision to arrest and detain a minor (accompanied or unaccompanied), the CBSA officer must advise his/her supervisor immediately. The officers must note all the ATDs on the Minister's Delegate form that they considered before concluding that detention is absolutely necessary and cannot be avoided.
2. As per ENF 20, another officer must review the officer's initial detention decision. This officer is responsible for reviewing the case considering any new information and for authorizing release under A56, if justified. If, upon internal review, the detention decision is upheld, then the Immigration Division of the IRB will review the reasons for continuing with the detention within 48 hours following the start of the detention or as soon as possible thereafter. Of note, the CBSA will continue to conduct the BIOC assessments to inform the position taken at IRB reviews until release.
3. Where possible, the initial decision-maker shall take the lead in the active case management of the minor's file throughout the immigration enforcement stream for the best case oversight.
4. CBSA officers must ensure the security, safety, and protection of the minor under arrest/detention. In addition,
  - a) Minors shall not be handcuffed *except in extreme circumstances*. Officers must assess the risk and act on reasonable grounds when deciding to handcuff a minor. Extreme circumstances are limited to danger to the public, threat posed to an officer(s), the public or self-harm;
  - b) CBSA officers will not handcuff detained p/lg in front of their children other than under extreme circumstances (as above) or if he/she has a violent criminal past; and
  - c) CBSA officers will not conduct personal searches or frisking of a detained p/lg in front of a minor other than under extreme circumstances (as above), or if he/she has a violent criminal past. Officers must make every effort to conduct searches outside the view of the minor, unless doing so would cause more distress to the child.
5. Regardless of the age of the person arrested, a Notice of Arrest (report), Order for Detention (form) a National Risk Assessment for Detention and Detainee Medical forms must be completed for a detention made under A55 of the IRPA. Officers must clearly articulate reasons

## Canada Border Services Agency National Directive for the Detention or Housing of Minors

and grounds for arrest and detention when completing the documents, and be mindful of the utmost importance of taking fulsome and complete notes supporting their decisions and actions.

6. If the detention involves an unaccompanied minor, the CBSA must notify the Canadian Red Cross Society (CRCS) immediately following the first 48hr detention review by the IRB; refer to section 15 (2) of this Directive.

### 11. UNACCOMPANIED MINORS

1. Unaccompanied minors shall never be detained or housed at an IHC unless it is for an operational reason (e.g. POE arrival at 03:00, outside of normal business hours) and an ATD cannot be found. In the event that an unaccompanied minor is held at an IHC for more than 24 hours, a CBSA officer must conduct a BIOC assessment that includes a thorough ATD review for the purpose of release. Unaccompanied minors shall also have heightened supervision (IHC staff), and access to guards, NGO staff and/or other supports as necessary.
2. If the presence of smugglers or traffickers is a concern, the matter must be discussed with CPS to ensure that adequate protection is provided (refer to Annex A).
3. In most cases, unaccompanied minors are to be released in the care of a CBO or CPS (e.g. local Children's Aid Society where a MOU is established) if they do not have a relative or trusted community link. While in their custody, the organization will make every effort to ensure that the minor meets CBSA's reporting requirements. Contact information of the organization, relative, trusted community member charged with temporary care of the minor or an IRB Designated Representative or lawyer must be indicated in the minor's file.

### 12. HOUSING - ACCOMPANIED MINORS

1. Accompanied minors shall be housed at an IHC (where available) only if it has been deemed to be in the BIOC. The CBSA officer must note the ATDs considered for both or one of the p/lg before concluding that housing was absolutely necessary for the minor and/or family unity.
2. The CBSA officer must explain to the p/lg their option to accept or to refuse housing, and that their decision will not affect their immigration case; interpreter services must be offered to the p/lg to enable clarity and full comprehension of the discussion. A CBSA Supervisor or Superintendent and the minor's p/lg must provide their written consent prior to housing at an IHC (consult local IHC intake forms).
3. Documentation

*Foreign National (FN) and Permanent Resident (PR) Minors:* in the case of a FN or PR minor accompanying a detained p/lg, the following documentation must be completed:

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

- Accompanying Minor and Medical/Healthcare Form (to be drafted)
- Detainee Medical Form (BSF 674) - **For detained p/lg only.** The form must clearly indicate that the minor is accompanying their detained p/lg.

*Canadian Citizen Minor:* IRPA provides no authority to arrest and detain Canadian citizens. The following must be completed:

- Accompanying Minor and Medical/Healthcare Form (to be drafted)
  - Notes should be added to the detained p/lg NCMS and/or GCMS process note to indicate that a Canadian minor is accompanying their p/lg at an IHC.
4. A p/lg may withdraw their consent at any time by informing the CBSA in writing. The CBSA may also withdraw their consent under extreme circumstances, such as:
    - Inability of the p/lg to care and ensure control of the minor resulting in harm to the minor and subject to duty of care referral under the child welfare legislation; or
    - An alternative to housing has become available for the accompanied the minor even after the 48-hour detention review.
  5. If a CBSA officer considers withdrawing consent, they must justify this in writing, discuss with the p/lg, and give them an opportunity to remedy the circumstances.
  6. CBSA officers shall conduct a weekly case review to reassess ATDs and the BIOC of accompanied minors.

### **13. SERVICES IN AN IHC**

In accordance with international standards, IHCs offer a secure and sanitary environment, proper nutrition, access to fresh air, access to the health care services (e.g. psychology and psychiatric supports) and recreation. Furthermore,

1. Minors shall be housed with both p/lg. to the greatest extent possible in order to the preserve family unity.
2. The IHC shall adhere to national Standard Operating Procedures for accompanied and unaccompanied minors, and the IHC Manager will be responsible for verifying that the national procedures are adhered to when a minor has been admitted for detention or housing.
3. By provincial laws, minors must go to school starting at the age of five or six and until they are between 16 and 18, depending on the province or territory. Qualified teachers will provide in-class education for minors who are at an IHC after seven-days until they are released.



## Canada Border Services Agency National Directive for the Detention or Housing of Minors

### 14. TRANSPORTATION AND TRAVEL

The CBSA Enforcement Manual's Part 6 Chapter 2 on the Vehicular Transport of Persons under Arrest or Detention is applicable to detained or housed minors. It guarantees the safety and security of individuals in CBSA custody and *OB PRG-2015-34 Transportation of Non-Detained Persons in Agency Vehicles while Administering CBSA Program Legislation* is also relevant. The p/lg is responsible for the care and control of their children, therefore, they must be kept with them at all times that include situations when the p/lg or minor must leave the IHC for various reasons: detention review, medical appointment, court proceeding, immigration examination, etc. NOTE: Section 10 applies to this section.

### 15. REPORTING

1. All situations involving the detention, housing or separation of the family unit must be reported immediately to the Border Operations Centre (BOC) as a significant event in the Incident Reporting Criteria (IRC) of "Child Welfare".
  - a) The regional Single Reporting Tool (SRT) *OB OPS-2017-03* to the BOC must contain the following information regarding the case:
    - i. Tombstone data for the minor involved (UCI, age, gender, citizenship);
    - ii. UCI for accompanying parent or guardian (if minor is accompanied); and
    - iii. Synopsis of the case containing detailed information regarding the case including if the minor was accompanied or unaccompanied; detained (and grounds for detention), housed or separated from a detained p/lg; and detention facility where they are held.
  - b) The SRT must contain the information that was considered during the decision-making process:
    - o Information regarding how the BIOC was assessed and outcome of the assessment (this is relevant for all instances involving minors (whether minors are detained, housed or separated from their detained p/lg).
  - c) The SRT must also contain the information considered regarding actions taken to mitigate detention of minors or their p/lg:
    - o Information regarding how and which ATDs were considered in order to minimize the detention or housing of children, or the separation of children from their p/lg.
  - d) Once the BIOC has been conducted and ATDs have been considered, and a minor is detained or housed in a detention facility, or separated from a detained p/lg, the CBSA Officer (decision-maker) must report the case to the BOC as soon as possible.
  - e) Superintendents/managers shall ensure that a notification is sent to the BOC as outlined above.
2. In compliance with the 2017 contract with the CRCS, the CBSA must notify/report the detention of an unaccompanied minor to the CRCS, verbally and in writing, particularly in situations when the

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

minor does not fully comprehend the immigration examination process (refer to Annex C for the CRCS Contact List).

3. Aggregate reporting on minors will be part of the detention program statistics on-line quarterly publication that will also include the separation of minors.

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

**ANNEX A –CHILD PROTECTION SERVICES AND FAMILY CENTRES**

- Atlantic
- Quebec
  - Association des centres jeunesse du Québec (16 administratives regions)
  - Centre jeunesse de Laval, 450-975-4000
  - Centre jeunesse de Montréal, 514-896-3100
  - Batshaw Youth and Family Centers (Montréal), 514-935-6196
  - Centre jeunesse de l'Estrie, 819-566-4121
  - Centre jeunesse de la Montérégie, 450 679-0140
  - Programme régional d'accueil et d'intégration des demandeurs d'asile, (PRAIDA) (514) 731-8531
  - Services d'immigration DJP, 514-239-1287
- Northern Ontario
  - Ontario Association of Children's Aid Societies (Ottawa, Cornwall, Lansdowne and Prescott)
  - Ontario Association of Children's Aid Societies (Thunder Bay, Sault Saint Marie and Fort Francis)
- Greater Toronto Area
  - Ontario Association of Children's Aid Societies (47 provincial societies)
  - Children's Aid Society of Toronto, 416-924-4640
  - Catholic Children's Aid Society of Toronto, 416-395-1500
  - Jewish Family and Child (Toronto), 416-638-7800
  - Peel Children's Aid Society, 888-700-0996
- Southern Ontario
  - Chatham-Kent Children's Services, 519-352-0440 (Chatham - Blenheim, Bothwell, Chatham, Chatham-Kent, Dresden, Erie Beach, Erieau, Highgate, Ridgeway, Thamesville, Tilbury, Wallaceburg, Wheatley)
  - Children's Aid Society of London and Middlesex, 888-661-6167 (London - Adelaide, Ailsa Craig, Caradoc, East Williams, Ekfrid, Glencoe, London, Lucan Biddulph, McGillivray, Metcalfe, Middlesex, Middlesex Centre, Mosa, Newbury, North Dorchester, Parkhill, Strathroy, Wardsville, West Nissouri, West Williams)
  - Children's Aid Society of Oxford County, 519-539-6176 (Woodstock - Blandford-Blenheim, East Zorra-Tavistock, Ingersoll, Norwich, Oxford, South-West Oxford, Tillsonburg, Woodstock, Zorra)
  - Family and Children's Services Niagara, 888-937-7731 (St. Catharines - Fort Erie, Grimsby, Lincoln, Niagara, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, Welland, West Lincoln)

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

- Family and Children's Services of St. Thomas and Elgin County, 519-631-1492 (St. Thomas - Aylmer, Bayham, Belmont, Central Elgin, Dutton-Dunwich, Elgin, Malahide, Port Stanley, Southwold, St. Thomas, Vienna, West Elgin, West Lorne)
  - Sarnia-Lambton Children's Aid Society, 519-336-0623 (Point Edward - Alvinston, Arkona, Bosanquet, Brooke, Dawn-Euphemia, Enniskillen, Forest, Grand Bend, Lambton, Moore, Oil Springs, Petrolia, Plympton, Point Edward, Sarnia, Sombra, Thedford, Warwick, Wyoming)
  - The Children's Aid Society of Haldimand and Norfolk, 519-587-5437 / 888-227-5437 (Townsend, Delhi, Dunnville, Haldimand (town), Haldimand-Norfolk (regional municipality), Nanticoke, Norfolk, Simcoe (town))
  - Windsor-Essex Children's Aid Society, 800-265-5609 (Windsor - Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington, Pelee Island, Tecumseh, Windsor)
- Prairies
  - Pacific
    - Ministry of Children and Family Development (13 offices)
    - Ministry of Children and Family Development, (Vancouver) 604 660-4927 or 310-1234

# **Canada Border Services Agency National Directive for the Detention or Housing of Minors**

## **ANNEX B - PROVINCIAL DEFINITIONS OF A MINOR**

In Canada, the definition of a minor child varies according to province as indicated in the table below.

<b>Province</b>	<b>Definition of minor child</b>	<b>Definition of minor for child protection purposes</b>
<u>British Columbia</u>	Person under 19 years	Same
<u>Alberta</u>	Person under 18 years	Same
<u>Saskatchewan</u>	Unmarried person under 16 years	Same
<u>Manitoba</u>	Person under 18 years	Same
<u>Ontario</u>	Person under 18 years	"child" means a person under the age of 16
<u>Quebec</u>	Person under 18 years	Same
<u>Nova Scotia</u>	Person under 19 years	"child" means a person under the age of 16
<u>New Brunswick</u>	Person under 19 years	"child" means a person under the age of 16
<u>Newfoundland</u>	Person under 16 years (youth defined as a person who is 16 years or older, but under the age of 18)	Same
<u>Prince Edward Island</u>	Person under 18 years	Same
<u>Northwest Territories</u>	Person under 19 years	"child" means a person under the age of 16
<u>Yukon</u>	Person under 19 years	"child" means a person under the age of 16
<u>Nunavut</u>	Person under 19 years	"child" means a person under the age of 16

**Canada Border Services Agency  
National Directive for the Detention or Housing of Minors**

**ANNEX C – CANADIAN RED CROSS SOCIETY CONTACTS**

**Prairies and Pacific Region**

Russ Froese  
(604) 354-9654,  
[russ.froese@redcross.ca](mailto:russ.froese@redcross.ca)

**Atlantic and Quebec Region**

Isabelle Marin  
(514) 362-2930 Ext. 362-2909  
[isabelle.marin@croixrouge.ca](mailto:isabelle.marin@croixrouge.ca)

**Southern Ontario, Northern Ontario and Greater Toronto Area Region**

Radmila Rokvic  
(416) 480-2500 Ext. 2214  
[radmila.rokvic@redcross.ca](mailto:radmila.rokvic@redcross.ca)

Hill, PeterD(CBSA)

**From:** Conroy, Samantha on behalf of Cloutier, Jacques  
**Sent:** November 6, 2017 03:59 PM  
**To:** Christiansen, Calvin; Janes, Lisa CBSA-ASFC; Vragovic, Goran; Sheridan, Norm; Comerford, Richard; Durocher, Christine; Scoville, Kim; MacVicar, Roslyn; Dyck, John; Lefort, Patrick; LeFrank, Andrew; Porrior, Paul; Hoag, Shawn; Chiquette, Benoit [DFAIT]; Provost, Pierre  
**Cc:** Lutfallah, Jennifer; Desmarais, Carl; Jacques, Caroline; Aubertin-Giguère, Sébastien; Slowey, Charles; Leahy, Mike (CBSA); Band, Doug; Bolduc, Martin; Blanchard, NathalieX; Emmanuel, Marjorie; Patrice, France  
**Subject:** Ministerial Direction - The Detention or Housing of Minors // Instruction du ministre - La détention et l'hébergement des personnes mineures

\*\*\*Please cascade down to employees immediately\*\*\*

English Version \*\*\* La version française suit \*\*\*

We wish to inform you that the Minister of Public Safety and Emergency Preparedness has signed a Ministerial Direction (MD) on October 18, 2017 to the Canada Border Services Agency (CBSA) relating to detention and housing of minors. A MD is an exceptional pronouncement that specifies how initiatives, programs and/or policies are to be delivered by departments/agencies. This MD has three core objectives:

- 1) To reaffirm the Government of Canada's position and way forward on the treatment of minors within the immigration detention context;
- 2) To direct the CBSA to implement new administrative guidelines on the detention and housing of minors; and
- 3) To articulate the Agency's accountabilities as it relates to the implementation of the Ministerial Direction.

In order to fulfill the Agency's requirements under the MD, a National Directive, "National Directive on the Detention or Housing of Minors" (National Directive henceforth) will be implemented immediately. The National Directive contains prescribed administrative guidance to CBSA officers and management, that will support the Agency's efforts to actively and continuously seek alternatives to detention, stop the detention or housing of minors except in extremely limited circumstances, and to preserve the family unit among its key objectives. The National Directive will further support work that is being undertaken to transform the immigration detention program, initiated through the National Immigration Detention Framework. As mentioned, the new National Directive is effective immediately and we kindly request your complete adherence to the spirit and intent of the MD.

In the coming day, an Operational Bulletin will be published articulating the steps to be taken by officers and management when faced with a detention decision that may involve a minor. We are hopeful that you will support our continued efforts to make Canada a world leader in immigration detention.

Thank-you very much for your unequivocal and continued support.

Peter Hill  
Associate Vice President  
Programs Branch

Jacques Cloutier  
Acting Vice President  
Operations Branch

\*\*\*Veuillez distribuer à tous les employés immédiatement\*\*\*

Version française \*\*\* The English version precedes \*\*\*

Nous souhaitons vous informer que le ministre de la Sécurité publique et de la Protection civile a signé une Instruction du ministre à l'intention de l'Agence des services frontaliers du Canada (ASFC), le 18 octobre 2017, concernant la détention et l'hébergement des personnes mineures. Une Instruction du ministre est un prononcé exceptionnel qui précise la façon dont les initiatives, les programmes et les politiques doivent être émis par les ministères et les agences. L'Instruction a trois principaux objectifs :

- 1) Réaffirmer la position du gouvernement du Canada et la voie à suivre pour le traitement des mineurs dans le contexte de la détention en matière d'immigration ;
- 2) d'ordonner l'ASFC à mettre en œuvre de nouvelles lignes directrices sur la détention et l'hébergement des mineurs ;
- 3) d'articuler les responsabilités de l'Agence en ce qui a trait à la mise en œuvre de la directive ministérielle.

Afin de remplir les exigences de l'Agence en vertu de l'Instruction du ministre, une Directive nationale : « Directive nationale sur la détention et l'hébergement des personnes mineures » (désormais appelée la Directive nationale) sera mise en œuvre immédiatement. La Directive nationale contient des directives administratives prescrites aux agents de l'ASFC et aux cadres qui appuieront les efforts de l'Agence quant à l'atteinte constante et active de solutions de rechange à la détention, l'arrêt de la détention ou de l'hébergement des personnes mineures sauf dans les cas de circonstances extrêmement limitées et la préservation du noyau familial, entres autres objectifs. La Directive nationale continuera d'appuyer les travaux entrepris pour transformer le programme de détention lié à l'immigration, lancé dans la foulée du Cadre national en matière de détention liée à l'immigration. La Directive nationale entre en vigueur maintenant et nous vous demandons gentiment votre adhésion complète à l'esprit et à l'intention de l'Instruction du ministre.

Un bulletin opérationnel sera publié plus tard aujourd'hui afin d'énoncer les mesures à prendre par les agents et les cadres au moment de prendre une décision en matière de détention qui pourrait impliquer une personne mineure. Nous espérons que vous appuierez nos efforts continus à faire du Canada un chef de file mondial en matière de détention lié à l'immigration.

Merci pour votre soutien sans équivoque et constant.

Peter Hill  
Vice-président associé  
Direction générales des Programmes

Jacques Cloutier  
Vice-président intérimaire  
Direction générale des Opérations



**Adler, Shawna**

**From:** Byrne, Patrick  
**Sent:** December 1, 2017 01:24 PM  
**To:** Emmanuel, Marjorie  
**Cc:** Henderson, Lana; CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF  
**Subject:** RE: Alternatives to Detention

Hi Marjorie,

The November 2018 timeline noted in the Minister's inquiry relates to the date upon which the CSC's assessment of the EM pilot must be completed. However, CSC's current EM contract commenced in March 2015 and is three years in length, with an additional two option years, the first of which CSC has already elected to exercise (extending the contract to March 31, 2019). As such, the new date upon which the CSC's assessment must be completed is November 2019. CSC has started the discussion to exercise the second option year (ending March 2020) to extend their contract and align timelines in order to provide the CBSA with equipment for the duration of the ATD EM pilot.

With CBSA's EM pilot in the GTA approved to take place from April 2018 to April 2020, the Agency is covered for year one of the pilot under the current extension process. If CSC decides not to exercise the second option year, the CBSA sees two options available.

- The first is that the Agency will perform a feasibility study in 2018-2019 (prior to the current contract expiring) to see if monitoring could be done from the CBSA Warrant Response Centre. The CBSA would also prepare a contracting process including a Request for Proposal (RFP) to acquire EM tools under a CBSA-run model. This option would allow the CBSA the ability to use best practices from year one of the pilot to inform the design and implementation of an EM pilot that transitions monitoring and tool acquisition to the CBSA, without the involvement of CSC.
- The second option that the CBSA may be required to consider, if CSC is unable to extend their current contract, and if the CBSA is unable to absorb EM monitoring and tool acquisition into its own business function, is to cease the EM pilot in GTA as of March 2019, and return the EM equipment to CSC. This would require that the CBSA manage high risk cases in the community without support from EM monitoring, which may result in an increase in enforcement actions and warrants issued, and/or the detention of individuals that were once released on EM programming.

In terms of the number of individuals released on EM on a daily basis, the CBSA estimates that very few cooperative, higher risk individuals that have been accepted into the ATD Framework and enrolled in community supervision programming, will be enrolled on the EM pilot in the GTA. A volumetric assessment was done which assumes up to .75% of higher risk detainees will be considered for EM enrolment, with a maximum of 40 individuals released at a given time.

However, the Agency assumes uptake will be slow and each case will require consideration by the GTA Long Term Detention Committee with oversight from management in the GTA region and discussion with program leads in NHQ. The implementation plan is a phased-in approach based on CSC's best practices from their first and current pilots. Based on CSC's findings, it is anticipated by the end of year-one that there would be no more than 23 individuals on EM programming. However, the Immigration and Refugee Board remains the decision maker in release of individuals from detention, as such the actual number may differ from the Agency's assumptions.

DG-approved.

Thank you,

**Patrick Byrne**

Strategic Advisor, Programs Branch  
Canada Border Services Agency / Government of Canada  
[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca) / Tel: 613-952-9081

Conseiller Stratégique, Direction générale des programmes  
Agence des services frontaliers du Canada / Gouvernement du Canada  
[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca) / Tél: 613-952-9081

---

**From:** Emmanuel, Marjorie

**Sent:** November 30, 2017 3:39 PM

**To:** Byrne, Patrick <[Patrick.Byrne@cbsa-asfc.gc.ca](mailto:Patrick.Byrne@cbsa-asfc.gc.ca)>

**Cc:** Henderson, Lana <[Lana.Henderson@cbsa-asfc.gc.ca](mailto:Lana.Henderson@cbsa-asfc.gc.ca)>; CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF <CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF@cbsa-asfc.gc.ca>

**Subject:** Alternatives to Detention

Hi Patrick,

MO has been asked a few questions about the CBSA's pilot for electronic monitoring. It is believed that the CSC pilot may run until November 2018, and then may continue or be cancelled. What are the CBSA's plans to address the potential for a cancellation by CSC, if it were to occur?  
Also, how many clients does CBSA envision will be on electronic monitoring on a daily basis?

Please advise by **EOD Monday, December 3.** (Email response is fine!)

Thanks!

Marjorie

## Adler, Shawna

---

**From:** Patrice, France  
**Sent:** November 23, 2017 01:40 PM  
**To:** Byrne, Patrick; Henderson, Lana; Charbonneau, Karine  
**Cc:** Jennings, Patrick; CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF  
**Subject:** Quarterly Report on Alternatives to Detention (ATD)

Good afternoon,

Please note that Quarterly Report on Alternatives to Detention (ATD) will be presented at EC on February 22, 2018.

Please prepare deck (in both official language) by February 6 (2PM).

Merci,  
France

## Adler, Shawna

---

**From:** Blanchard, NathalieX  
**Sent:** November 7, 2017 02:57 PM  
**To:** Henderson, Lana; Byrne, Patrick  
**Cc:** Patrice, France; Emmanuel, Marjorie; Adler, Shawna  
**Subject:** ccm 3413 - CBSA exploring additional alternative to detention

Peter has some changes

BF November 10 AM

Please note that I will not be surprise if President ask to go to EC with this request

Docket will be in your inbox in the next hour

Nathalie Blanchard

Chef de Cabinet du VP, direction générale des programmes  
Agence des services frontaliers du Canada  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) /tél.: 613-954-7527

Chief of staff for VP, Programs Branch  
Canada Border Services Agency  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) / Tel: 613-954-7527

## Adler, Shawna

---

**From:** Henderson, Lana  
**Sent:** November 6, 2017 09:46 AM  
**To:** CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF  
**Cc:** Byrne, Patrick  
**Subject:** Canada Border Services Agency Exploring Additional Alternative to Detention  
**Attachments:** Goto Record 45739 in database 9.ccm

Will be delivered to VPO.

Thanks,  
Lana

You have been assigned work on Docket / On vous a assigné une tâche associée avec le dossier :  
-----

CBSA/ASFC-17-03413.

Lead / Responsable :  
-----

PROG

Task Information / Information au sujet de la tâche :  
-----

Tasked To / Acheminé à : DGO-PRO-EIPD  
Tasked via / Acheminé par l'intermédiaire de :

Task / Tâche : BN ACTION  
Deadline / Date limite : 2017-10-27

Notes:

Tasked To / Acheminé à : VPO-PROG  
Tasked via / Acheminé par l'intermédiaire de :

Task / Tâche : APP  
Deadline / Date limite : 2017-11-06

Notes:

Docket Closed Date / Date de fermeture du dossier :  
-----

## Adler, Shawna

---

**From:** Blanchard, NathalieX  
**Sent:** October 27, 2017 01:32 PM  
**To:** Byrne, Patrick; Henderson, Lana  
**Cc:** Emmanuel, Marjorie; Patrice, France; Remy, Gaele; Adler, Shawna  
**Subject:** RE: Minister's briefing Nov 2, 4:30-6:30

BRIEFING NOT CONFIRM YET BUT ... please find below the information

If I was you, I will be working on a deck with speaking point because ... bf will be October 31 10:00

The MO is looking for an update on:

- MD on Minors, next steps, announcement etc.
- NIDF (IHCs, ATDs etc.)
- Long-term detention and Habeas Corpus cases, and how to handle these cases (i.e: Scotland et al). Any other pertinent detention litigation?

I know the PO just received the latest NIDF quarterly update BN yesterday, but it sounds like they want to take some time for an in-person briefing to provide the Minister with a fulsome update on where things are at currently with the detention program.

Nathalie Blanchard

Chef de Cabinet du VP, direction générale des programmes  
Agence des services frontaliers du Canada  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) /tél.: 613-954-7527

Chief of staff for VP, Programs Branch  
Canada Border Services Agency  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) / Tel: 613-954-7527

---

**From:** Blanchard, NathalieX  
**Sent:** October 27, 2017 10:59 AM  
**To:** Byrne, Patrick <Patrick.Byrne@cbsa-asfc.gc.ca>; Henderson, Lana <Lana.Henderson@cbsa-asfc.gc.ca>  
**Cc:** Emmanuel, Marjorie <Marjorie.Emmanuel@cbsa-asfc.gc.ca>; Patrice, France <France.Patrice@cbsa-asfc.gc.ca>  
**Subject:** FW: Minister's briefing Nov 2, 4:30-6:30

FYI  
A heads up (no formal tasking yet) came in from PS today that there is an expected TBC (to be confirmed) of the agenda item Immigration and Detention on November 2, 2017. The meeting is planned right now to be 4:30-6:30 and they are looking for approximately 45min for the item.

Nathalie Blanchard

Chef de Cabinet du VP, direction générale des programmes  
Agence des services frontaliers du Canada  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) /tél.: 613-954-7527

Chief of staff for VP, Programs Branch  
Canada Border Services Agency  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) / Tel: 613-954-7527

## Hill, PeterD(CBSA)

**From:** Brunatti, Andrew  
**Sent:** December 7, 2017 05:56 PM  
**To:** Robertson, Jayden  
**Cc:** Bolduc, Martin; Hill, PeterD(CBSA); Vinette, Denis R.; Cloutier, Jacques; Blanchard, NathalieX; Emmanuel, Marjorie; Caple, Lesley; CBSA-ASFC-Media Relations; Racicot, Kristine; Raider, Marc; Archipow, Nancy; Easton, Erika-Kirsten; Melchers, Charles; Bindner, Melissa; Quinn, Robyn; Proulx, Dan  
**Subject:** RE: For EVP Approval - CAT 3 - In-custody death / Detention

Hi Jayden,

See below for a few clarifications in red.

For A2 and A3 (highlighted), has anybody verified these details are in fact in the public record?

Thanks,

Andrew

**From:** Robertson, Jayden  
**Sent:** December 7, 2017 8:15 AM  
**To:** Namiesniowski, Tina <Tina.Namiesniowski@cbsa-asfc.gc.ca>  
**Cc:** Bolduc, Martin <Martin.Bolduc@cbsa-asfc.gc.ca>; Hill, PeterD(CBSA) <Peter.Hill@cbsa-asfc.gc.ca>; Vinette, Denis R. <Denis.Vinette@cbsa-asfc.gc.ca>; Cloutier, Jacques <Jacques.Cloutier@cbsa-asfc.gc.ca>; Blanchard, NathalieX <NathalieX.Blanchard@cbsa-asfc.gc.ca>; Emmanuel, Marjorie <Marjorie.Emmanuel@cbsa-asfc.gc.ca>; Brunatti, Andrew <Andrew.Brunatti@cbsa-asfc.gc.ca>; Caple, Lesley <Lesley.Caple@cbsa-asfc.gc.ca>; CBSA-ASFC-Media Relations <Media.Relations@cbsa-asfc.gc.ca>; Racicot, Kristine <Kristine.Racicot@cbsa-asfc.gc.ca>; Raider, Marc <Marc.Raider@cbsa-asfc.gc.ca>; Archipow, Nancy <Nancy.Archipow@cbsa-asfc.gc.ca>; Easton, Erika-Kirsten <ERIKA-KIRSTEN.EASTON@cbsa-asfc.gc.ca>; Melchers, Charles <Charles.Melchers@cbsa-asfc.gc.ca>; Bindner, Melissa <Melissa.Bindner@cbsa-asfc.gc.ca>; Quinn, Robyn <Robyn.Quinn@cbsa-asfc.gc.ca>  
**Subject:** For EVP Approval - CAT 3 - In-custody death / Detention  
**Importance:** High

Hello,

For your review and approval.

It has been approved by Jacques Cloutier and Peter Hill.

\*\*\*Note that legal has reviewed the proposed responses and had advised that ``the *Privacy Act* is not engaged as the information disclosed about Ms. Gratton is publically available in the IRB reasons and record of detention reviews.``

\*\*Note the general/ high level lines have been previously used.

Seeking approval by 3pm today.

Thank you in advance.

## Hill, PeterD(CBSA)

---

**From:** Lutfallah, Jennifer  
**Sent:** December 19, 2017 11:47 AM  
**To:** Bolduc, Martin; Hill, PeterD(CBSA); Cloutier, Jacques  
**Cc:** Adler, Shawna; Emmanuel, Marjorie; Blanchard, NathalieX  
**Subject:** FW: National Immigration Detention Framework / Cadre national en matière de détention liée à l'immigration

As requested.

**From:** Lutfallah, Jennifer  
**Sent:** December 14, 2017 5:37 PM  
**To:** Christiansen, Calvin <Calvin.Christiansen@cbsa-asfc.gc.ca>; Lefort, Patrick <Patrick.Lefort@cbsa-asfc.gc.ca>; Hoag, Shawn <Shawn.Hoag@cbsa-asfc.gc.ca>; Vragovic, Goran <Goran.Vragovic@cbsa-asfc.gc.ca>; Comerford, Richard <Richard.Comerford@cbsa-asfc.gc.ca>; Scoville, Kim <Kim.Scoville@cbsa-asfc.gc.ca>; MacVicar, Roslyn <Roslyn.MacVicar@cbsa-asfc.gc.ca>  
**Cc:** LeFrank, Andrew <Andrew.LeFrank@cbsa-asfc.gc.ca>; Desmarais, Carl <Carl.Desmarais@cbsa-asfc.gc.ca>; Campbell, Leah <Leah.Campbell@cbsa-asfc.gc.ca>; Rocheleau, Lisa <Lisa.Rochelleau@cbsa-asfc.gc.ca>; Blanchard, NathalieX <NathalieX.Blanchard@cbsa-asfc.gc.ca>; Byrne, Patrick <Patrick.Byrne@cbsa-asfc.gc.ca>; Spicer, Sharon <Sharon.Spicer@cbsa-asfc.gc.ca>  
**Subject:** National Immigration Detention Framework / Cadre national en matière de détention liée à l'immigration

English Version \*\*\* La version française suit \*\*\*

As you are aware, the Immigration Detention program has seen heightened attention in recent years. This has contributed to our need to consistently improve our program and further our objectives under the National Immigration Detention Framework (NIDF). Through the implementation of key elements of the NIDF, we will see improved immigration detention facilities to support placement of higher risk individuals in our Immigration Holding Centres, and improved policies and procedures that guide detention decisions, helping us achieve goals that have been committed to by the Government of Canada.

To continue to improve Canada's detention program, it is important that officers continue to be mindful of the weight a detention decision has on an individual's right to liberty, ensuring that the decision is tied to enforcement outcomes that are achievable, after all alternatives to detention have been duly considered and applied or exhausted.

To reinforce this principle, **effective immediately**, when an individual is detained under Section 55 of the IRPA, **all Port-of-Entry and Inland Enforcement staff must:**

- Ensure that all detention decisions made under sub-section 55 (1) or (2) of IRPA be reviewed by another officer independent of the initial assessment of the case. In most cases, when an inadmissibility report has been prepared, the review will be done by a Minister's delegate. To this effect, regional management should ensure ongoing oversight and engagement in all detention cases in their respective regions to ensure continued appropriateness of detention and placement decisions;



- Ensure that all detention decisions are documented in detail on the individual's file, and that all associated forms are completed with relevant facts to justify the detention decision, including an analysis of why alternatives to detention are not considered appropriate;
- Ensure that all officers' notes are documented in the file and in the officer's notebook. Specifically, all notes must be complete and demonstrate that alternatives to detention have been carefully considered and documented. The importance of appropriate and complete note taking is critical to judicial reviews at Federal Court, detention reviews at the Immigration and Refugee Board, and any future file review;
- Complete and provide a copy of the following existing forms to the receiving detention facility: National Risk Assessment for Detention (BSF754), National Risk Re-assessment for Detention (BSF754-1) and Detainee Medical Form (BSF674);
- Scan and save these forms in GCMS as attachments. To ensure consistency and the ability to track, please save them at the following path: Clients>Documents>ID Supporting documents sub tab. Then select type: CDN Immigration Doc, sub-type: Client Submission and document #: BSF754 or BSF674;
- In regions where an IHC exists, the IHC should always be the default detention facility if risk can be mitigated.

The above actions, which are supported by existing policy documents and guidance provided in PRG-2015-09 and PRG-2014-50, are essential to ensuring the integrity of the detention system and the uniform application of current detention policy nationally.

Further, through our ongoing detention transformation activities, by February 2018, the above actions will be clarified through additional changes to the detention decision making process, which includes the launch of a new NRAD process, inclusive of new oversight and governance of detention and detention placement decisions. These changes will have an impact on how officers process individuals considered for detention under Section 55 of the IRPA. The changes will help clarify detention placement decisions and ensure consistency in the decision making process. Additional emphasis will be placed on oversight of decision making.

The changes in process will be reflected in the implementation of revised forms such as the National Risk Assessment for Detention form, the National Risk Re-assessment for Detention form and the Detainee Medical Needs form. To ensure successful implementation, training will be offered to both officers with authority to detain under the IRPA and other personnel responsible for reviewing those decisions including management, over the coming months. Additional information will be disseminated to all regional staff, supported by updated policies and manuals upon implementation.

As an Agency, we have a continued commitment to ensure the humane and dignified treatment of individuals under our authority, while ensuring that decisions to detain are commensurate with an individual's risk and the CBSA's ability to achieve enforcement outcomes. You have our ongoing support to help achieve these key objectives. We value your continued collaboration as we further the detentions program transformation agenda.

For more information on the NIDF please consult [http://atlas/pb-dgp/res/initiatives/nidf-cndi/index\\_eng.asp](http://atlas/pb-dgp/res/initiatives/nidf-cndi/index_eng.asp)

If you have any questions, please contact the Detentions unit.

Thank you.

**French Version \*\*\* La version anglaise précède \*\*\***

Comme vous le savez, le programme de détention liée à l'immigration a fait l'objet d'une attention accrue ces dernières années, ce qui a contribué à la nécessité d'améliorer continuellement le programme et de faire avancer les objectifs du Cadre national en matière de détention liée à l'immigration (CNDI). La mise en œuvre des éléments clés du CNDI se traduira par des installations de détention de l'immigration améliorées qui permettront le placement de personnes à risque élevé dans les centres de surveillance de l'immigration (CSI), ainsi que par des procédures et des politiques améliorées qui orienteront les décisions en matière de détention, ce qui nous aidera à atteindre les objectifs que le gouvernement du Canada s'est engagé à réaliser.

Pour continuer d'améliorer le programme de détention du Canada, il est important que les agents continuent de tenir compte de l'incidence d'une décision de mise en détention sur le droit à la liberté d'une personne, en veillant à ce que la décision soit liée – aux résultats en matière d'exécution de la loi qui sont réalisables, et ce, après que toutes les solutions de rechange à la détention ont été dûment prises en considération et appliquées ou épuisées.

Pour renforcer ce principe, **à compter de maintenant**, lorsqu'une personne est détenue en vertu de l'article 55 de la LIPR, **tout le personnel des bureaux d'entrée et de l'Exécution de la loi dans les bureaux intérieurs doit :**

- Faire en sorte que toutes les décisions en matière de détention prises en vertu du paragraphe 55(1) ou (2) de la LIPR doivent faire l'objet d'un examen indépendant par un autre agent qui n'a pas participé à l'évaluation initiale du cas. Dans la plupart des cas, lorsqu'un rapport d'interdiction de territoire est - rédigé, le délégué du ministre est chargé du contrôle. À cette fin, les membres de la direction régionale devraient assurer une mobilisation et une surveillance continues à l'égard de tous les cas de détention dans leur région pour vérifier que les décisions relatives à la détention et au placement sont toujours pertinentes;
- Faire en sorte que toutes les décisions concernant la détention soient consignées de façon détaillée dans le dossier de la personne, et que tous les formulaires connexes soient remplis et fassent état de faits pertinents qui justifient la décision de mise en détention, y compris une analyse des raisons pour lesquelles les solutions de rechange à la détention n'ont pas été jugées adéquates;
- Faire en sorte que toutes les notes de l'agent soient consignées dans le dossier et dans le carnet de l'agent. En particulier, toutes les notes doivent être complètes et doivent démontrer que des solutions de rechange à la détention ont été dûment prises en considération et documentées. La prise de notes adéquates et complètes est essentielle pour les contrôles judiciaires à la Cour fédérale, les examens des motifs de détention à la Commission de l'immigration et du statut de réfugié, et tout contrôle ultérieur du dossier;
- Remplir les formulaires existants suivants et en fournir une copie à l'établissement de détention d'accueil : Examen national des risques envers les détenus (BSF754), Réévaluation nationale des risques envers les détenus (BSF754-1) et Renseignements médicaux sur le détenu (BSF674);

- Numériser et enregistrer les formulaires dans le SMGC en tant que pièces jointes. Pour assurer l'uniformité et la possibilité de faire un suivi, veuillez enregistrer les formulaires à l'endroit suivant : Clients>Documents>sous-onglet Documents à l'appui de l'identité. Ensuite, sélectionnez le genre : Document d'immigration CDN, le sous-genre : Soumission de client et le n° de document : BSF754 ou BSF674;
- Dans les régions où il existe un CSI, celui-ci doit toujours être l'établissement de détention par défaut si le risque peut être atténué.

Les mesures susmentionnées, qui sont appuyées par les documents de politique existants et les directives fournies dans les bulletins PRG-2015-09 et PRG-2014-50, sont essentielles pour assurer l'intégrité du système de détention de même que l'application uniforme de la politique actuelle sur la détention à l'échelle nationale.

En outre, dans le cadre de nos activités continues de transformation de la détention, d'ici février 2018, les mesures susmentionnées seront clarifiées au moyen de changements supplémentaires qui seront apportés au processus de prise de décisions concernant la détention, notamment le lancement d'un nouveau processus d'évaluation nationale des risques en matière de détention (ENRD), qui comprendra une nouvelle surveillance et une nouvelle gouvernance des décisions relatives à la détention et au placement en détention. Ces changements auront une incidence sur la façon dont les agents traitent les personnes qu'on envisage de mettre en détention en vertu de l'article 55 de la LIPR. Les changements aideront à clarifier les décisions relatives au placement en détention et assureront l'uniformité du processus décisionnel. Une plus grande importance sera accordée à la surveillance des décisions prises.

Les changements apportés au processus seront pris en compte lors de la mise en œuvre des formulaires révisés, comme le formulaire Examen national des risques envers les détenus, le formulaire Réévaluation nationale des risques envers les détenus et le formulaire Renseignements médicaux sur le détenu. Afin d'assurer le succès de la mise en œuvre, une formation sera offerte aux agents qui ont le pouvoir de détenir une personne en vertu de la LIPR et aux autres membres du personnel chargés de contrôler les décisions en question, y compris la direction, au cours des mois à venir. Des renseignements supplémentaires, étayés par des politiques et des manuels actualisés, seront communiqués à tout le personnel régional au moment de la mise en œuvre.

En tant qu'Agence, nous nous engageons de façon continue à assurer le traitement humain et empreint de dignité des personnes qui relèvent de notre autorité, tout en veillant à ce que les décisions de mise en détention soient liées au risque que présente une personne et à la capacité de l'ASFC d'atteindre des résultats au chapitre de l'exécution de la loi. Vous avez tout notre appui pour contribuer à la réalisation de ces objectifs. Votre collaboration continue nous est précieuse alors que nous continuons de faire avancer le programme de transformation de la détention.

Pour de plus amples renseignements sur le CNDI, veuillez consulter la page suivante : [http://atlas/pb-dgp/res/initiatives/nidf-cndi/index\\_fra.asp](http://atlas/pb-dgp/res/initiatives/nidf-cndi/index_fra.asp)

Si vous avez des questions, veuillez communiquer avec l'Unité des détentions.

Merci.

**Jennifer Lutfallah**

Director General | Directrice-générale

Enforcement and Intelligence Programs |

Direction des programmes d'exécution de la loi et du renseignement

**Andrew LeFrank**

Director General | Directeur général

Enforcement and Intelligence Operations Directorate | Direction des opérations relatives à l'exécution de la loi  
et au renseignement

**Hill, PeterD(CBSA)**

---

**From:** Cloutier, Jacques  
**Sent:** December 20, 2017 05:30 PM  
**To:** Lutfallah, Jennifer; Hill, PeterD(CBSA); Bolduc, Martin  
**Cc:** Blanchard, NathalieX; Emmanuel, Marjorie; LeFrank, Andrew; Annett, Tracy; Desmarais, Carl; Campbell, Leah; Eves, David  
**Subject:** Re: APPROVAL REQUIRED - FOLLOW UP EMAIL TO ALL OPERATIONS BRANCH STAFF - DETENTION GOVERNANCE AND OVERSIGHT

I approve. Well done.

J

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Lutfallah, Jennifer  
**Sent:** Wednesday, December 20, 2017 5:14 PM  
**To:** Hill, PeterD(CBSA); Cloutier, Jacques; Bolduc, Martin  
**Cc:** Blanchard, NathalieX; Emmanuel, Marjorie; LeFrank, Andrew; Annett, Tracy; Desmarais, Carl; Campbell, Leah; Eves, David  
**Subject:** RE: APPROVAL REQUIRED - FOLLOW UP EMAIL TO ALL OPERATIONS BRANCH STAFF - DETENTION GOVERNANCE AND OVERSIGHT

Mr. Cloutier, what do you say?

Jennifer Lutfallah  
Director General | Directrice-générale  
Enforcement and Intelligence Programs | Direction des programmes d'exécution de la loi et du renseignement  
Programs Branch | Direction général des programmes  
Canada Border Services Agency | Agence des services frontaliers du Canada  
10028 - 100 Metcalfe  
Ottawa Ontario  
[jennifer.lutfallah@cbsa-asfc.gc.ca](mailto:jennifer.lutfallah@cbsa-asfc.gc.ca)  
Telephone | Téléphone 613-948-9041 / Facsimile | Télécopieur 613-957-6030 / Teletypewriter | Télécopieur 1-866-335-3237  
Government of Canada | Gouvernement du Canada

**From:** Hill, PeterD(CBSA)  
**Sent:** December 20, 2017 5:14 PM  
**To:** Lutfallah, Jennifer <Jennifer.Lutfallah@cbsa-asfc.gc.ca>; Cloutier, Jacques <Jacques.Cloutier@cbsa-asfc.gc.ca>; Bolduc, Martin <Martin.Bolduc@cbsa-asfc.gc.ca>  
**Cc:** Blanchard, NathalieX <NathalieX.Blanchard@cbsa-asfc.gc.ca>; Emmanuel, Marjorie <Marjorie.Emmanuel@cbsa-asfc.gc.ca>; LeFrank, Andrew <Andrew.LeFrank@cbsa-asfc.gc.ca>; Annett, Tracy <TracyL.Annett@cbsa-asfc.gc.ca>; Desmarais, Carl <Carl.Desmarais@cbsa-asfc.gc.ca>; Campbell, Leah <Leah.Campbell@cbsa-asfc.gc.ca>; Eves, David <David.Eves@cbsa-asfc.gc.ca>  
**Subject:** Re: APPROVAL REQUIRED - FOLLOW UP EMAIL TO ALL OPERATIONS BRANCH STAFF - DETENTION GOVERNANCE AND OVERSIGHT

Thanks Jennifer.

Good to go from my perspective.

Peter

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** Lutfallah, Jennifer

**Sent:** Wednesday, December 20, 2017 5:03 PM

**To:** Hill, PeterD(CBSA); Cloutier, Jacques; Bolduc, Martin

**Cc:** Blanchard, NathalieX; Emmanuel, Marjorie; LeFrank, Andrew; Annett, Tracy; Desmarais, Carl; Campbell, Leah

**Subject:** RE: APPROVAL REQUIRED - FOLLOW UP EMAIL TO ALL OPERATIONS BRANCH STAFF - DETENTION GOVERNANCE AND OVERSIGHT

Peter,

Your comments have been addressed with this revised text

**\*\* Please disseminate to all staff with authority to detain under the IRPA\*\***

Hello,

In follow up to the email entitled "National Immigration Detention Framework" and dated December 14, 2017, the following provides further clarification with regards to steps that all Officers and Regional Management must take when considering the detention of an individual under Section 55 of the *Immigration and Refugee Protection Act (IRPA)* and the subsequent detention location decision.

**Effective immediately the following governance and oversight process will be instituted:**

- Officers **shall** ensure the consideration of all available **alternatives to detention (ATDs)** are **factored** into each decision related to the potential detention of an individual under the IRPA. The presumption should be that release is the preferred option unless alternatives to detention are not appropriate to offset the presence of risk indicators. Should alternatives to detention be deemed unsuitable, the Officer must justify, in writing, what ATDs were considered and how they were deemed unsuitable **prior** to making a decision to detain.
- In order to ensure management oversight, **all** detention decisions made under Section 55 of the IRPA **shall be reviewed and approved by:**
  - A delegated Immigration Chief (FB07) or higher regional authority for all Port of Entry cases
  - A delegated Manager (FB06) or higher regional authority for all Inland cases

Should a delegated authority not be available onsite when detention is being considered, the nearest location with available management at the above level should be consulted and documented to file.

- All detention decisions **must** be reviewed and approved by the above authorities, **prior** to the transfer of a detainee to an admitting facility (ie: Immigration Holding Centre or Provincial Correctional Institution).
- The role of the Immigration Chief or delegated Inland Manager in the review of a detention under Section 55 of the IRPA and the subsequent detention placement decision, will be to ensure that:
  - There are reasonable **grounds to detain**, and that the decision to detain is in line with authorities prescribed under legislation and regulations;
  - All available **alternatives to detention** have been considered, and documented evidence is on file to understand why ATDs are considered unsuitable to mitigate risk factors that are present;
  - The decision to detain is supported by **relevant and articulated facts** that are tied to a risk to public safety, flight risk or identity concerns. The identified risk factors must be clearly linked to an enforcement or immigration outcome that is at risk of not being achieved without detention;

- The placement of an individual within an Immigration Holding Centre or a Provincial facility is aligned to the considerations outlined in the National Risk Assessment for Detention form, and that complete documents and Officer Notes justifying placement are on file prior to the detention occurring. Detention placement **shall default to an IHC** where possible. The presence of criminality **shall not** automatically send an individual to a Provincial facility. Officers shall consult with the IHC manager, if they have any questions about risk mitigation;
- In the instance of a recommendation for placement in a Provincial facility, mitigating measures could not be found to manage the individual within an IHC which must be clearly outlined in Officers notes; and,
- That **all** appropriate documentation is complete (ie: NRAD, Detainee Medical Form, notes to file) and information is documented in GCMS and NCMS and placed on an individual's file.

The Enforcement and Intelligence Operations Division in each respective region is responsible for the regional detentions program. As such, **all** detention or detention placement decisions made within a region **may be reviewed and changed** by a delegated representative of the Enforcement & Intelligence Operations Division.

As previously stated in the email of December 14, 2017 **all Port of Entry and Inland Officers must:**

- Ensure that **all** detention decisions made under Section 55 of IRPA are reviewed by the appropriate authority, as per above;
- Ensure that **all** detention decisions are documented in detail on the individual's file, and that all associated forms are completed with relevant facts to justify the detention decision, including an analysis of why alternatives to detention are not considered appropriate;
- Ensure that all officers' notes are documented in the file and in the officer's notebook. Specifically, all notes must be complete and demonstrate that alternatives to detention have been carefully considered and documented. The importance of appropriate and complete note taking is critical to judicial reviews at Federal Court, detention reviews at the Immigration and Refugee Board, and any future file review;
- Complete and provide a copy of the following existing forms to the receiving detention facility: National Risk Assessment for Detention (BSF754), National Risk Re-assessment for Detention (BSF754-1) and Detainee Medical Form (BSF674); and,
- Scan and save these forms in GCMS as attachments. To ensure consistency and the ability to track, please save them at the following path: Clients>Documents>ID Supporting documents sub tab. Then select type: CDN Immigration Doc, sub-type: Client Submission and document #: BSF754 or BSF674.

The above steps are being taken to further support the detention transformation agenda set forth under the National Immigration Detention Framework, and will help address issues surrounding national consistency in detention decision and placement. These processes will be further supported by updates to ENF 20 and other policy documents. In the coming month's further guidance and tools will be made available to officers and management to facilitate the complete adherence to the above requirements.

Should you have any questions regarding the above protocols, please consult with your management or the Detentions Programs Unit.

Thank you again for your continued collaboration.

Sincerely

Jennifer Lutfallah

Director General | Directrice-générale  
Enforcement and Intelligence Programs |  
Direction des programmes d'exécution de la loi et du renseignement

**Andrew LeFrank**

Director General | Directeur général  
Enforcement and Intelligence Operations Directorate |  
Direction des opérations relatives à l'exécution de la loi et au renseignement

**From:** Lutfallah, Jennifer

**Sent:** December 20, 2017 12:27 PM

**To:** Hill, PeterD(CBSA) <[Peter.Hill@cbsa-asfc.gc.ca](mailto:Peter.Hill@cbsa-asfc.gc.ca)>; Cloutier, Jacques <[Jacques.Cloutier@cbsa-asfc.gc.ca](mailto:Jacques.Cloutier@cbsa-asfc.gc.ca)>; Bolduc, Martin <[Martin.Bolduc@cbsa-asfc.gc.ca](mailto:Martin.Bolduc@cbsa-asfc.gc.ca)>

**Cc:** Blanchard, NathalieX <[NathalieX.Blanchard@cbsa-asfc.gc.ca](mailto:NathalieX.Blanchard@cbsa-asfc.gc.ca)>; Emmanuel, Marjorie <[Marjorie.Emmanuel@cbsa-asfc.gc.ca](mailto:Marjorie.Emmanuel@cbsa-asfc.gc.ca)>; LeFrank, Andrew <[Andrew.LeFrank@cbsa-asfc.gc.ca](mailto:Andrew.LeFrank@cbsa-asfc.gc.ca)>; Annett, Tracy <[TracyL.Annett@cbsa-asfc.gc.ca](mailto:TracyL.Annett@cbsa-asfc.gc.ca)>; Desmarais, Carl <[Carl.Desmarais@cbsa-asfc.gc.ca](mailto:Carl.Desmarais@cbsa-asfc.gc.ca)>; Campbell, Leah <[Leah.Campbell@cbsa-asfc.gc.ca](mailto:Leah.Campbell@cbsa-asfc.gc.ca)>

**Subject:** APPROVAL REQUIRED - FOLLOW UP EMAIL TO ALL OPERATIONS BRANCH STAFF - DETENTION GOVERNANCE AND OVERSIGHT

**Importance:** High

Please find below the proposed message to all Operations Branch staff as requested during your meeting yesterday. I would like your input/approval by COB today so that we may circulate to staff tomorrow (before Christmas). It is currently with translation and we hope to have it back before EOD. Happy to make any changes that are needed.

Once the email is shared we will draft and issue an OB to support the below changes as this should be formally documented in policy guidance that is traceable. We anticipate that the OB can be issued either this week or next.

\*\*\*\*\*  
\*\*\*\*\*

\*\* Please disseminate to all staff with authority to detain under the IRPA\*\*

Hello,

In follow up to the email entitled "National Immigration Detention Framework" and dated December 14, 2017, the following provides further clarification with regards to steps that all Officers and Regional Management must take when considering the detention of an individual under Section 55 of the *Immigration and Refugee Protection Act (IRPA)* and the subsequent detention location decision.

**Effective immediately the following governance and oversight process will be instituted:**

- Officers **shall** ensure the consideration of all available **alternatives to detention (ATDs)** are factored into each decision related to the potential detention of an individual under the IRPA. The presumption should be that release is the preferred option unless alternatives to detention are not appropriate to offset the presence of risk indicators. Should alternatives to detention be deemed unsuitable, the Officer must justify, in writing, what ATDs were considered and how they were deemed unsuitable **prior** to making a decision to detain.
- In order to ensure management oversight, **all** detention decisions made under Section 55 of the IRPA **shall be reviewed and approved by:**



- A delegated Immigration Chief (FB07) or higher regional authority for all Port of Entry cases
- A delegated Manager (FB06) or higher regional authority for all Inland cases

Should a delegated authority not be available onsite when detention is being considered, the nearest location with available management at the above level should be consulted and documented to file.

All detention decisions **must** be reviewed and approved by the above authorities, **prior** to the transfer of a detainee to an admitting facility (ie: Immigration Holding Centre or Provincial Correctional Institution).

The role of the Immigration Chief or delegated Inland Manager in the review of a detention under Section 55 of the IRPA and the subsequent detention placement decision, will be to ensure that:

- There are reasonable **grounds to detain**, and that the decision to detain is in line with authorities prescribed under legislation and regulations;
- All available **alternatives to detention** have been considered and deemed unacceptable and that this consideration is clearly articulated to file as unable to mitigate risk factors that are present;
- The decision to detain is supported by **relevant and articulated facts** that are tied to a risk to public safety, flight risk or identity concerns. The identified risk factors must be clearly linked to an enforcement or immigration outcome that is at risk of not being achieved without detention;
- The placement of an individual within an Immigration Holding Centre or a Provincial facility is aligned to the considerations outlined in the National Risk Assessment for Detention form, and that complete documents and Officer Notes justifying placement are on file. Detention placement **shall default to an IHC** where possible. The presence of criminality **shall** not automatically send an individual to a Provincial facility. Officers are strongly encouraged to consult with the IHC manager, if they have any questions about risk mitigation;
- In the instance of a recommendation for placement in a Provincial facility, mitigating measures could not be found to manage the individual within an IHC which must be clearly outlined in Officers notes; and,
- That **all** appropriate documentation is complete (ie: NRAD, Detainee Medical Form, notes to file) and information is documented in GCMS and NCMS and placed on an individual's file.

The Enforcement and Intelligence Operations Division in each respective region is responsible for the regional detentions program. As such, **all** detention or detention placement decisions made within a region **may be reviewed and changed** by a delegated representative of the Enforcement & Intelligence Operations Division.

As previously stated in the email of December 14, 2017 **all Port of Entry and Inland Officers must:**

- Ensure that **all** detention decisions made under Section 55 of IRPA are reviewed by the appropriate authority, as per above;
- Ensure that **all** detention decisions are documented in detail on the individual's file, and that all associated forms are completed with relevant facts to justify the detention decision, including an analysis of why alternatives to detention are not considered appropriate;
- Ensure that all officers' notes are documented in the file and in the officer's notebook. Specifically, all notes must be complete and demonstrate that alternatives to detention have been carefully considered and documented. The importance of appropriate and complete note taking is critical to judicial reviews at Federal Court, detention reviews at the Immigration and Refugee Board, and any future file review;
- Complete and provide a copy of the following existing forms to the receiving detention facility: National Risk Assessment for Detention (BSF754), National Risk Re-assessment for Detention (BSF754-1) and Detainee Medical Form (BSF674); and,

- Scan and save these forms in GCMS as attachments. To ensure consistency and the ability to track, please save them at the following path: Clients>Documents>ID Supporting documents sub tab. Then select type: CDN Immigration Doc, sub-type: Client Submission and document #: BSF754 or BSF674.

The above steps are being taken to further support the detention transformation agenda set forth under the National Immigration Detention Framework, and will help address issues surrounding national consistency in detention decision and placement. These processes will be further supported by updates to ENF 20 and other policy documents. In the coming month's further guidance and tools will be made available to officers and management to facilitate the complete adherence to the above requirements.

Should you have any questions regarding the above protocols, please consult with your management or the Detentions Programs Unit.

Thank you again for your continued collaboration.

Sincerely

**Jennifer Lutfallah**

Director General | Directrice-générale  
Enforcement and Intelligence Programs |  
Direction des programmes d'exécution de la loi et du renseignement

**Andrew LeFrank**

Director General | Directeur général  
Enforcement and Intelligence Operations Directorate |  
Direction des opérations relatives à l'exécution de la loi et au renseignement

## Adler, Shawna

---

**From:** Blanchard, NathalieX  
**Sent:** November 7, 2017 02:57 PM  
**To:** Henderson, Lana; Byrne, Patrick  
**Cc:** Patrice, France; Emmanuel, Marjorie; Adler, Shawna  
**Subject:** ccm 3413 - CBSA exploring additional alternative to detention

Peter has some changes

BF November 10 AM

Please note that I will not be surprise if President ask to go to EC with this request

Docket will be in your inbox in the next hour

Nathalie Blanchard

Chef de Cabinet du VP, direction générale des programmes  
Agence des services frontaliers du Canada  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) /tél.: 613-954-7527

Chief of staff for VP, Programs Branch  
Canada Border Services Agency  
[Nathaliex.Blanchard@cbsa-asfc.gc.ca](mailto:Nathaliex.Blanchard@cbsa-asfc.gc.ca) / Tel: 613-954-7527

## Adler, Shawna

---

**From:** Henderson, Lana  
**Sent:** November 6, 2017 09:46 AM  
**To:** CBSA-ASFC-DIST-HQ\_PRG\_VPO\_AVPO\_STAFF  
**Cc:** Byrne, Patrick  
**Subject:** Canada Border Services Agency Exploring Additional Alternative to Detention  
**Attachments:** Goto Record 45739 in database 9.ccm

Will be delivered to VPO.

Thanks,  
Lana

You have been assigned work on Docket / On vous a assigné une tâche associée avec le dossier :  
-----

CBSA/ASFC-17-03413.

Lead / Responsable :  
-----

PROG

Task Information / Information au sujet de la tâche :  
-----

Tasked To / Acheminé à : DGO-PRO-EIPD  
Tasked via / Acheminé par l'intermédiaire de :

Task / Tâche : BN ACTION  
Deadline / Date limite : 2017-10-27

Notes:

Tasked To / Acheminé à : VPO-PROG  
Tasked via / Acheminé par l'intermédiaire de :

Task / Tâche : APP  
Deadline / Date limite : 2017-11-06

Notes:

Docket Closed Date / Date de fermeture du dossier :  
-----

Hill, PeterD(CBSA)

**From:** Lutfallah, Jennifer  
**Sent:** December 19, 2017 11:47 AM  
**To:** Bolduc, Martin; Hill, PeterD(CBSA); Cloutier, Jacques  
**Cc:** Adler, Shawna; Emmanuel, Marjorie; Blanchard, NathalieX  
**Subject:** FW: National Immigration Detention Framework / Cadre national en matière de détention liée à l'immigration

As requested.

**From:** Lutfallah, Jennifer  
**Sent:** December 14, 2017 5:37 PM  
**To:** Christiansen, Calvin <Calvin.Christiansen@cbsa-asfc.gc.ca>; Lefort, Patrick <Patrick.Lefort@cbsa-asfc.gc.ca>; Hoag, Shawn <Shawn.Hoag@cbsa-asfc.gc.ca>; Vragovic, Goran <Goran.Vragovic@cbsa-asfc.gc.ca>; Comerford, Richard <Richard.Comerford@cbsa-asfc.gc.ca>; Scoville, Kim <Kim.Scoville@cbsa-asfc.gc.ca>; MacVicar, Roslyn <Roslyn.MacVicar@cbsa-asfc.gc.ca>  
**Cc:** LeFrank, Andrew <Andrew.LeFrank@cbsa-asfc.gc.ca>; Desmarais, Carl <Carl.Desmarais@cbsa-asfc.gc.ca>; Campbell, Leah <Leah.Campbell@cbsa-asfc.gc.ca>; Rocheleau, Lisa <Lisa.Rocheleau@cbsa-asfc.gc.ca>; Blanchard, NathalieX <NathalieX.Blanchard@cbsa-asfc.gc.ca>; Byrne, Patrick <Patrick.Byrne@cbsa-asfc.gc.ca>; Spicer, Sharon <Sharon.Spicer@cbsa-asfc.gc.ca>  
**Subject:** National Immigration Detention Framework / Cadre national en matière de détention liée à l'immigration

English Version \*\*\* La version française suit \*\*\*

As you are aware, the Immigration Detention program has seen heightened attention in recent years. This has contributed to our need to consistently improve our program and further our objectives under the National Immigration Detention Framework (NIDF). Through the implementation of key elements of the NIDF, we will see improved immigration detention facilities to support placement of higher risk individuals in our Immigration Holding Centres, and improved policies and procedures that guide detention decisions, helping us achieve goals that have been committed to by the Government of Canada.

To continue to improve Canada's detention program, it is important that officers continue to be mindful of the weight a detention decision has on an individual's right to liberty, ensuring that the decision is tied to enforcement outcomes that are achievable, after all alternatives to detention have been duly considered and applied or exhausted.

To reinforce this principle, **effective immediately**, when an individual is detained under Section 55 of the IRPA, **all Port-of-Entry and Inland Enforcement staff must:**

- Ensure that all detention decisions made under sub-section 55 (1) or (2) of IRPA be reviewed by another officer independent of the initial assessment of the case. In most cases, when an inadmissibility report has been prepared, the review will be done by a Minister's delegate. To this effect, regional management should ensure ongoing oversight and engagement in all detention cases in their respective regions to ensure continued appropriateness of detention and placement decisions;

- Ensure that all detention decisions are documented in detail on the individual's file, and that all associated forms are completed with relevant facts to justify the detention decision, including an analysis of why alternatives to detention are not considered appropriate;
- Ensure that all officers' notes are documented in the file and in the officer's notebook. Specifically, all notes must be complete and demonstrate that alternatives to detention have been carefully considered and documented. The importance of appropriate and complete note taking is critical to judicial reviews at Federal Court, detention reviews at the Immigration and Refugee Board, and any future file review;
- Complete and provide a copy of the following existing forms to the receiving detention facility: National Risk Assessment for Detention (BSF754), National Risk Re-assessment for Detention (BSF754-1) and Detainee Medical Form (BSF674);
- Scan and save these forms in GCMS as attachments. To ensure consistency and the ability to track, please save them at the following path: Clients>Documents>ID Supporting documents sub tab. Then select type: CDN Immigration Doc, sub-type: Client Submission and document #: BSF754 or BSF674;
- In regions where an IHC exists, the IHC should always be the default detention facility if risk can be mitigated.

The above actions, which are supported by existing policy documents and guidance provided in PRG-2015-09 and PRG-2014-50, are essential to ensuring the integrity of the detention system and the uniform application of current detention policy nationally.

Further, through our ongoing detention transformation activities, by February 2018, the above actions will be clarified through additional changes to the detention decision making process, which includes the launch of a new NRAD process, inclusive of new oversight and governance of detention and detention placement decisions. These changes will have an impact on how officers process individuals considered for detention under Section 55 of the IRPA. The changes will help clarify detention placement decisions and ensure consistency in the decision making process. Additional emphasis will be placed on oversight of decision making.

The changes in process will be reflected in the implementation of revised forms such as the National Risk Assessment for Detention form, the National Risk Re-assessment for Detention form and the Detainee Medical Needs form. To ensure successful implementation, training will be offered to both officers with authority to detain under the IRPA and other personnel responsible for reviewing those decisions including management, over the coming months. Additional information will be disseminated to all regional staff, supported by updated policies and manuals upon implementation.

As an Agency, we have a continued commitment to ensure the humane and dignified treatment of individuals under our authority, while ensuring that decisions to detain are commensurate with an individual's risk and the CBSA's ability to achieve enforcement outcomes. You have our ongoing support to help achieve these key objectives. We value your continued collaboration as we further the detentions program transformation agenda.

For more information on the NIDF please consult !

If you have any questions, please contact the Detentions unit.

Thank you.

**French Version \*\*\* La version anglaise précède \*\*\***

Comme vous le savez, le programme de détention liée à l'immigration a fait l'objet d'une attention accrue ces dernières années, ce qui a contribué à la nécessité d'améliorer continuellement le programme et de faire avancer les objectifs du Cadre national en matière de détention liée à l'immigration (CNDI). La mise en œuvre des éléments clés du CNDI se traduira par des installations de détention de l'immigration améliorées qui permettront le placement de personnes à risque élevé dans les centres de surveillance de l'immigration (CSI), ainsi que par des procédures et des politiques améliorées qui orienteront les décisions en matière de détention, ce qui nous aidera à atteindre les objectifs que le gouvernement du Canada s'est engagé à réaliser.

Pour continuer d'améliorer le programme de détention du Canada, il est important que les agents continuent de tenir compte de l'incidence d'une décision de mise en détention sur le droit à la liberté d'une personne, en veillant à ce que la décision soit liée – aux résultats en matière d'exécution de la loi qui sont réalisables, et ce, après que toutes les solutions de rechange à la détention ont été dûment prises en considération et appliquées ou épuisées.

Pour renforcer ce principe, **à compter de maintenant**, lorsqu'une personne est détenue en vertu de l'article 55 de la LIPR, **tout le personnel des bureaux d'entrée et de l'Exécution de la loi dans les bureaux intérieurs doit :**

- Faire en sorte que toutes les décisions en matière de détention prises en vertu du paragraphe 55(1) ou (2) de la LIPR doivent faire l'objet d'un examen indépendant par un autre agent qui n'a pas participé à l'évaluation initiale du cas. Dans la plupart des cas, lorsqu'un rapport d'interdiction de territoire est - rédigé, le délégué du ministre est chargé du contrôle. À cette fin, les membres de la direction régionale devraient assurer une mobilisation et une surveillance continues à l'égard de tous les cas de détention dans leur région pour vérifier que les décisions relatives à la détention et au placement sont toujours pertinentes;
- Faire en sorte que toutes les décisions concernant la détention soient consignées de façon détaillée dans le dossier de la personne, et que tous les formulaires connexes soient remplis et fassent état de faits pertinents qui justifient la décision de mise en détention, y compris une analyse des raisons pour lesquelles les solutions de rechange à la détention n'ont pas été jugées adéquates;
- Faire en sorte que toutes les notes de l'agent soient consignées dans le dossier et dans le carnet de l'agent. En particulier, toutes les notes doivent être complètes et doivent démontrer que des solutions de rechange à la détention ont été dûment prises en considération et documentées. La prise de notes adéquates et complètes est essentielle pour les contrôles judiciaires à la Cour fédérale, les examens des motifs de détention à la Commission de l'immigration et du statut de réfugié, et tout contrôle ultérieur du dossier;
- Remplir les formulaires existants suivants et en fournir une copie à l'établissement de détention d'accueil : Examen national des risques envers les détenues (BSF754), Réévaluation nationale des risques envers les détenues (BSF754-1) et Renseignements médicaux sur le détenu (BSF674);

- Numériser et enregistrer les formulaires dans le SMGC en tant que pièces jointes. Pour assurer l'uniformité et la possibilité de faire un suivi, veuillez enregistrer les formulaires à l'endroit suivant : Clients>Documents>sous-onglet Documents à l'appui de l'identité. Ensuite, sélectionnez le genre : Document d'immigration CDN, le sous-genre : Soumission de client et le n° de document : BSF754 ou BSF674;
- Dans les régions où il existe un CSI, celui-ci doit toujours être l'établissement de détention par défaut si le risque peut être atténué.

Les mesures susmentionnées, qui sont appuyées par les documents de politique existants et les directives fournies dans les bulletins PRG-2015-09 et PRG-2014-50, sont essentielles pour assurer l'intégrité du système de détention de même que l'application uniforme de la politique actuelle sur la détention à l'échelle nationale.

En outre, dans le cadre de nos activités continues de transformation de la détention, d'ici février 2018, les mesures susmentionnées seront clarifiées au moyen de changements supplémentaires qui seront apportés au processus de prise de décisions concernant la détention, notamment le lancement d'un nouveau processus d'évaluation nationale des risques en matière de détention (ENRD), qui comprendra une nouvelle surveillance et une nouvelle gouvernance des décisions relatives à la détention et au placement en détention. Ces changements auront une incidence sur la façon dont les agents traitent les personnes qu'on envisage de mettre en détention en vertu de l'article 55 de la LIPR. Les changements aideront à clarifier les décisions relatives au placement en détention et assureront l'uniformité du processus décisionnel. Une plus grande importance sera accordée à la surveillance des décisions prises.

Les changements apportés au processus seront pris en compte lors de la mise en œuvre des formulaires révisés, comme le formulaire Examen national des risques envers les détentions, le formulaire Réévaluation nationale des risques envers les détentions et le formulaire Renseignements médicaux sur le détenu. Afin d'assurer le succès de la mise en œuvre, une formation sera offerte aux agents qui ont le pouvoir de détenir une personne en vertu de la LIPR et aux autres membres du personnel chargés de contrôler les décisions en question, y compris la direction, au cours des mois à venir. Des renseignements supplémentaires, étayés par des politiques et des manuels actualisés, seront communiqués à tout le personnel régional au moment de la mise en œuvre.

En tant qu'Agence, nous nous engageons de façon continue à assurer le traitement humain et empreint de dignité des personnes qui relèvent de notre autorité, tout en veillant à ce que les décisions de mise en détention soient liées au risque que présente une personne et à la capacité de l'ASFC d'atteindre des résultats au chapitre de l'exécution de la loi. Vous avez tout notre appui pour contribuer à la réalisation de ces objectifs. Votre collaboration continue nous est précieuse alors que nous continuons de faire avancer le programme de transformation de la détention.

Pour de plus amples renseignements sur le CNDI, veuillez consulter la page suivante :

Si vous avez des questions, veuillez communiquer avec l'Unité des détentions.

Merci.



**Jennifer Lutfallah**

Director General | Directrice-générale

Enforcement and Intelligence Programs |

Direction des programmes d'exécution de la loi et du renseignement

**Andrew LeFrank**

Director General | Directeur général

Enforcement and Intelligence Operations Directorate | Direction des opérations relatives à l'exécution de la loi  
et au renseignement